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THE

BENGAL LEGISLATIVE COUNCIL

PROCEEDINGS.

(Official Report.)

WEST BENGAL LEGISLATIVE ASSEMBLY
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THIRTEENTH SESSION.

1923.

VOLUME XIII.

(15th to 18th, and 20th, and 21st August, 1923.)

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GOVERNMENT OF BENGAL.

GOVERNOR OF BENGAL.

His Excellency the Right Hon'ble Victor Alexander George Robert Bulwer-Lytton, Earl of Lytton, P.C., G.C.I.E.

MEMBERS OF THE EXECUTIVE COUNCIL.

The Hon'ble Sir Bijay Chand Mahtab, K.C.S.I., K.C.I.E., I.O.M., Maharajadhiraja Bahadur of Burdwan, Vice-President, in charge of the following portfolios:—

1. Land Revenue.
2. Land Acquisition.
3. Forests
4. Irrigation.
5. Excluded Areas.
6. European Education.

The Hon'ble Sir Abd-ur-Rahim, Kt., in charge of the following portfolios:—

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2. Emigration.
3. Immigration
4. Jurisdiction.
5. Legislative.
6. Haj Pilgrimage.

The Hon'ble Mr. H. L. Stephenson, C.S.I., C.I.E., in charge of the following portfolios:—

1. Appointment.
2. Political—excluding Haj Pilgrimage.
3. Police.
4. Jails.
5. Ecclesiastical.

The Hon'ble Mr. J. Donald, C.I.E., in charge of the following portfolios:—

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2. Separate Revenue.
3. Commerce and Reserved Industrial Subjects.
4. Marine.

MINISTERS.

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Local Self-Government and Public Health.

The Hon'ble Mr. PROVASH CHUNDER MITTER, C.I.E., in charge of the following portfolio:—

Education.

The Hon'ble the Nawab SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, C.I.E., in charge of the following portfolios:—

Agriculture and Public Works.

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The Hon'ble Mr. H. E. A. COTTON, C.I.E.

DEPUTY-PRESIDENT.

Babu SURENDRA NATH RAY.

PANEL OF CHAIRMEN FOR THE THIRTEENTH SESSION.

Kumar SHIB SHEKHARESWAR RAY.
Mr. W. L. CAREY.
Babu JATINDRA NATH BASU
Mr. SYED NASIM ALI.

Secretary to the Council—C. TINDALL, C.I.E., I.C.S.
Deputy Secretary—A. M. HUTCHISON.
Assistant Secretary to the Council—K. N. MAZUMDAR.
Registrar to the Council—J. W. McKAY.

BENGAL LEGISLATIVE COUNCIL.

ALPHABETICAL LIST OF MEMBERS.

A

Addy, Babu Amulya Dhone. (Bengal National Chamber of Commerce.)
Afzal, Nawabzada K. M., Khan Bahadur. [Dacca City (Muhammadan).]
Ahmed, Khan Bahadur Maulvi Emaduddin. [Rajshahi South (Muhammadan).]
Ahmed, Khan Bahadur Maulvi Wasimuddin. [Pabna (Muhammadan).]
Ahmed, Maulvi Azaharuddin. [Bakarganj West (Muhammadan).]
Ahmed, Maulvi Rafi Uddin. [Jessore South (Muhammadan).]
Ahmed, Maulvi Yakuinuddin. [Dinajpur (Muhammadan).]
Ahmed, Mr. M. [Faridpur South (Muhammadan).]
Ahmed, Munshi Jafar. [Noakhali (Muhammadan).]
Aley, Mr. S. Mahboob. [Calcutta South (Muhammadan).]
Ali, Maulvi Syed Muksood. [Barrackpore Municipal (Muhammadan).]
Ali, Mr. Syed Erfan. [Nadia (Muhammadan).]
Ali, Mr. Syed Nasim. [24-Parganas Rural (Muhammadan).]
Ali, Munshi Amir. [Chittagong (Muhammadan).]
Ali, Munshi Ayub. [Chittagong (Muhammadan).]
Arhamuddin, Maulvi Khandakar. [Mymensingh West (Muhammadan).]
Azam, Khan Bahadur Khwaja Mohamed. [Dacca East Rural (Muhammadan).]

B

Banerjea, the Hon'ble Sir Surendra Nath. [Minister, 24-Parganas Municipal (Non-Muhammadan).]
Banerjea, Dr. Pramathanath. [Calcutta East (Non-Muhammadan).]
Banerjee, Rai Bahadur Abinash Chandra. [Birbhum (Non-Muhammadan).]
Barma, Rai Sahib Panchanan. [Rangpur (Non-Muhammadan).]
Barton, Mr. H. (Anglo-Indian.)
Basu, Babu Jatindra Nath. [Calcutta North (Non-Muhammadan).]
Bell, Mr. J. W. A. (Bengal Chamber of Commerce).
Bhattacharji, Babu Hem Chandra. (Nominated Non-official—Labouring classes.)
Birley, Mr. L. (Nominated Official.)
Bose, Mr. S. M. [Mymensingh East (Non-Muhammadan).]

C

Carey, Mr. W. L. (Indian Mining Association.)
Chaudhuri, Babu Kishori Mohan. [Rajshahi (Non-Muhammadan).]
Chaudhuri, Babu Tankanath. [Dinajpur (Non-Muhammadan).]
Chaudhuri, Khan Bahadur Maulvi Hafizar Rahman. [Bogra (Muhammadan).]
Chaudhuri, Maulvi Shah Muhammad. [Malda *cum* Jalpaiguri (Muhammadan).]
Chaudhuri, Rai Harendranath. [24-Parganas Rural North (Non-Muhammadan).]
Chaudhuri, Sir Asutosh. [Bogra *cum* Pabna (Non-Muhammadan).]
Chaudhuri, the Hon'ble the Nawab Saiyid Nawab Ali, Khan Bahadur. [Minister, Mymensingh East (Muhammadan).]
Choudhury, Khan Bahadur Maulvi Rahmatjan. [Faridpur North (Muhammadan).]
Chowdhury, Maulvi Fazlal Karim. [Bakarganj North (Muhammadan).]
Cohen, Mr. D. J. [Calcutta South Central (Non-Muhammadan).]
Cooper, Mr. Charles G. (Indian Jute Mills Association).
Crawford, Mr. T. C. (Indian Tea Association.)

D

Das, Babu Bhishmadev. (Nominated Non-official—Depressed Classes.)
Das, Mr. S. R. [Calcutta North-West (Non-Muhammadan).]
Das Gupta, Rai Bahadur Nibaran Chandra. [Bakarganj North (Non-Muhammadan).]
De, Mr. K. C. (Nominated Official.)
De, Rai Bahadur Fanindralal. [Hooghly *cum* Howrah Rural (Non-Muhammadan).]
DeLisle, Mr. J. A. [Dacca and Chittagong (European).]
Dey, Mr. G. G. (Nominated Official.)
Donald, the Hon'ble Mr. J. (Member, Executive Council.)
Donovan, Mr. J. T. (Nominated Official.)
Doss, Rai Bahadur Pyari Lal. [Dacca City (Non-Muhammadan).]
Dutt, Mr. Ajoy Chunder. [Bankura East (Non-Muhammadan).]
Dutt, Rai Bahadur Dr. Haridhan. [Calcutta North Central (Non-Muhammadan).]
Dutta, Babu Annada Charan. [Chittagong (Non-Muhammadan).]
Dutta, Babu Indu Bhushan. [Tippera (Non-Muhammadan).]
Duval, Mr. H. P. (Nominated Official).

E

Emerson, Mr. T. (Nominated Official.)

F

Farɒqui, Mr. K. G. M. [Tippera (Muhammadan).]
Forrester, Mr. J. Campbell. [Presidency and Burdwan (European).]

C

Ghatak, Rai Bahadur Nilmani. [Malda (Non-Muhammadan).]
Ghose, Mr. D. C. [24-Parganas Rural South (Non-Muhammadan).]
Ghose, Rai Bahadur Jogendra Chunder. (Calcutta University.)
Goode, Mr. S. W. (Nominated Official.)
Gupta, Rai Sahib Mahendra Nath. (Expert, nominated).

H

Haq, Maulvi A. K. Fazl-ul. [Khulna (Muhammadan).]
Haq, Shah Syed Emdadul. [Tippera (Muhammadan).]
Hornell, Mr. W. W. (Nominated Official.)
Huntingford, Mr. G. T. (Nominated Official.)
Huq, Maulvi Ekramul. [Murshidabad (Muhammadan).]
Hussain, Maulvi Md. Madassur. [Burdwan Division North (Muhammadan).]

J

Janah, Babu Sarat Chandra. [Midnapore South (Non-Muhammadan).]
Jones, Mr. J. A. [Presidency and Burdwan (European).]

K

Karim, Maulvi Fazlal. [Bakarganj, South (Muhammadan).]
Khaitan, Babu Debi Prosad. (Nominated Non-Official.)
Khan, Babu Debendra Lal. [Midnapore North (Non-Muhammadan).]
Khan, Maulvi Hamid-ud-din. [Rangpur East (Muhammadan).]
Khan, Maulvi Md. Rafique Uddin. [Mymensingh East (Muhammadan).]
Khan, Mr. Razaur Rahman. [Calcutta North (Muhammadan).]
Khan Chaudhuri, Khan Bahadur Maulvi Md. Ershad Ali. [Rajshahi North (Muhammadan).]

L

Law, Raja Reshee Case. (Bengal National Chamber of Commerce.)
Leslie, Mr. W. L. (Calcutta Trades Association.)

M

Maharajadhiraja Bahadur of Burdwan, the Hon'ble. (Member, Executive Council.)
Makramali, Munshi. [Noakhali (Muhammadan).]

Mallik, Babu Surendra Nath. [Calcutta South (Non-Muhammadan).]
Marr, Mr. A. (Nominated Official.)
McAlpin, Mr. M. C. (Nominated Official.)
McCay, Lt.-Col. David (Nominated Official.)
Mitra, Rai Bahadur Mahendra Chandra. [Hooghly Municipal (Non-Muhammadan).]
Mitter, the Hon'ble Mr. P. C. (Minister, Presidency Landholders.)
Moitra, Dr. Jatindra Nath. [Faridpur North (Non-Muhammadan).]
Morgan, Mr. G. (Bengal Chamber of Commerce).
Morgan, Mr. G. (Bengal Chamber of Commerce.)
Mukharji, Babu Satish Chandra. [Hooghly *cum* Howrah Rural (Non-Muhammadan).]
Mukherjee, Babu Nitya Dhon. [Hooghly Municipalities (Non-Muhammadan).]
Mukherji, Professor S. C. (Nominated Non-official—The Indian Christian Community.)
Mukhopadhaya, Babu Sarat Chandra. [Midnapore South (Non-Muhammadan).]
Mullick, Babu Nirode Behary. [Bakarganj South (Non-Muhammadan).]

N

Nakey, Mirza Muhammad Ali. [24-Parganas Municipal South (Muhammadan).]
Nasker, Babu Hem Chandra. [24-Parganas Rural Central (Non-Muhammadan).]

P

Pahlowan, Maulvi Md. Abdul Jubbar. [Mymensingh West (Muhammadan).]
Philip, Mr. J. Y. (Bengal Chamber of Commerce.)
Poddar, Babu Keshoram. (Bengal Marwari Association.)

R

Raheem, Mr. Abdur. (Nominated Non-official.)
Rahim, the Hon'ble Sir Abd-ur-. (Member, Executive Council.)
Raikat, Mr. Prasanna Deb. [Jalpaiguri (Non-Muhammadan).]
Rauf, Maulvi Shah Abdur. [Rangpur West (Muhammadan).]
Ray, Babu Bhabendra Chandra. [Jessore North (Non-Muhammadan).]
Ray, Babu Surendra Nath. [Deputy-President, 24-Parganas Municipal South (Non-Muhammadan).]
Ray, Kumar Shib Shekhareswar. (Rajshahi Landholders.)
Ray, Rai Bahadur Upendra Lal. (Chittagong Landholders.)

Ray Chaudhuri, Babu Brojendra Kishor. (Dacca Landholders.)
Ray Chaudhuri, Mr. Krishna Chandra. (Nominated Non-official—Labouring Classes.)
Ray Choudhury, Raja Manmatha Nath. [Mymensingh West (Non-Muhammadan).]
Rishi, Babu Rasik Chandra. [Noakhali (Non-Muhammadan).]
Robertson, Mr. W. F. (Nominated Official.)
Rose, Mr. G. F. (Indian Jute Mills Association.)
Roy, Babu Jogendra Krishna. [Faridpur South (Non-Muhammadan).]
Roy, Babu Jogendra Nath. [Dacca Rural (Non-Muhammadan).]
Roy, Babu Nalini Nath. [Jessore South (Non-Muhammadan).]
Roy, Maharaja Bahadur Kshaunish Chandra. [Nadia (Non-Muhammadan).]
Roy, Mr. Bijoyprosad Singh. [Burdwan (Non-Muhammadan).]
Roy, Mr. J. N. (Nominated Official.)
Roy, Mr. Tarit Bhusan. (Bengal Mahajan Sabha.)
Roy, Rai Bahadur Lalit Mohan Singh. (Burdwan Landholders.)
Roy, Raja Maniloll Singh. [Burdwan (Non-Muhammadan).]
Roy Chaudhuri, Babu Sailaja Nath. [Khulna (Non-Muhammadan).]

S

Salam, Khan Bahadur Maulvi Abdus. [Jessore North (Muhammadan).]
Sarkar, Babu Jogesh Chandra. [Rangpur (Non-Muhammadan).]
Sarkar, Babu Rishindra Nath. [Bankura West (Non-Muhammadan).]
Shakespeare, Mr. W. A. (Bengal Chamber of Commerce).
Sinha, Babu Surendra Narayan. [Murshidabad (Non-Muhammadan).]
Skinner, Mr. H. E. (Bengal Chamber of Commerce.)
Stark, Mr. H. A. (Anglo-Indian.)
Stephenson, the Hon'ble Mr. H. L. (Member, Executive Council.)
Stuart-Williams, Mr. S. C. (Nominated Official.)
Suhrawardy, Dr. A. [Dacca West Rural (Muhammadan).]
Suhrawardy, Dr. Hassan. [Hooghly *cum* Howrah Municipal (Muhammadan).]
Suhrawardy, Mr. Huseyn Shaheed. [Burdwan Division South (Muhammadan).]

T

Travers, Mr. W. L. [Rajshahi (European).]

V

Villiers, Mr. F. E. E. [Presidency and Burdwan (European).]

W.

Willis, Mr. Arthur d'Anvers. (Bengal Chamber of Commerce.)

THE BENGAL LEGISLATIVE COUNCIL PROCEEDINGS.

(Official Report of the Thirteenth Session.)

VOLUME XIII.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta, n Wednesday, the 15th August 1923, at 3 P.M.

Present.

The Hon'ble the President in the Chair, the four Hon'ble Members f the Executive Council, two Hon'ble Ministers (the Hon'ble the Nawab Saiyid Nawab Ali Chaudhuri, Khan Bahadur being absent), and 7 nominated and elected members.

Appointment of Panel of Chairmen.

Mr. PRESIDENT (the Hon'ble Mr. H. E. A. Cotton): Gentlemen,— n accordance with the provisions of Rule 3 of the Bengal Legislative Council Rules, 1920, I have nominated the following members of Council o form a panel of four Chairmen, viz.—

Kumar Shib Shekhareswar Ray,
Mr. W. L. Carey,
Babu Jatindra Nath Basu,
Mr. Syed Nasim Ali.

Unless otherwise arranged, the senior member among them present in the bove order will preside over the deliberations of this Council in my bsence and in the absence of the Deputy-President.

Starred Questions

(to which oral answers were given).

Plague in the Dacca district.

***1. Nawabzada K. M. AFZAL, Khan Bahadur:** (*a*) Will the Hon'ble he Minister in charge of the Department of Local Self-Government be leased to state—

(*i*) the number of deaths which occurred from plague, and
(*ii*) the number of persons attacked with the disease,

within the Keraniganj police-station and Munshiganj subdivision in Dacca since the plague broke out till the end of May, 1923?

(*b*) Will the Hon'ble the Minister be pleased to state whether it is a fact that there were a few cases of plague in the very heart of the city of Dacca in the month of May last?

(*c*) Will the Hon'ble the Minister be pleased to state what steps, if any, have been taken by the Government to stop the epidemic of dropsy in Bengal?

SECRETARY to GOVERNMENT, DEPARTMENT of LOCAL SELF-GOVERNMENT (Mr. S. W. Goode): (*a*) (*i*) Seventeen deaths reported in the Keraniganj thana and three deaths in the Munshiganj thana.

(*ii*) Seventeen attacks reported in the Keraniganj thana and three attacks in the Munshiganj thana.

(*b*) Only one case of suspected plague was reported from Dacca town. Both the Civil Surgeon and the Municipal Health Officer declared that this was not a true case of plague.

(*c*) Epidemic dropsy appears to be in abeyance at present. In spite of inquiries no report of the disease has been received from any district.

Election of "Srijukta" B. N. Sasmal as a Member of the Midnapore District Board.

***II. Babu NALINI NATH ROY:** Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state whether *Srijukta* B. N. Sasmal has been duly elected a member of the District Board of Midnapore?

MINISTER in charge of DEPARTMENT of LOCAL SELF-GOVERNMENT (the Hon'ble Sir Surendra Nath Banerjea): Yes.

Election of the Local and District Boards of Bakarganj.

***III. Rai NIBARAN CHANDRA DAS GUPTA Bahadur:** (*a*) Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state whether the last general election of the Local and District Boards of Bakarganj took place in July, 1922?

(*b*) Will the Hon'ble the Minister be pleased to state whether it is a fact that the new District Board has not yet (May, 1923) been constituted?

(*c*) Will the Hon'ble the Minister be pleased to state the reasons for the delay?

Mr. S. W. GOODE: (*a*) The general election of the Local Boards in Bakarganj was held in July, 1922. The election of members to the District Board by the several Local Boards was held in November, 1922.

(*b*) Yes. The Commissioner's notification constituting the District Board was published in the Gazette of 20th June, 1923 (Notification No. 2670-J., dated 14th June, 1923).

(*c*) The Minister for Local Self-Government did not accept all the nominations submitted by the Commissioner of the Division. Some time elapsed while the question of the personnel of the Board was under discussion and subsequently the powers of the Commissioner and Government as regards these nominations were under examination.

Burning and burial ghats in Burdwan district.

*IV. **Mr. BIJOYPROSAD SINGH ROY:** (*a*) Are the Government aware that great hardship is experienced by the people in the subdivisions of Kalna and Katwa in the district of Burdwan for want of suitable burning ghâts on the Ganges; and that exorbitant fees are being charged by private owners of burning ghât sites in those places?

(*b*) Are the Government considering the desirability of asking the District Boards to start licensed burning ghâts and burial grounds with the power to exempt the poor from payment for the use of the same?

Mr. S. W. GOODE: (*a*) Government have no information.

(*b*) Government do not consider it necessary to circularise the District Boards, who have power to deal with such a matter under section 100(*f*) of their Act.

Medical schools in the districts of Bengal.

*V. **Raja MANMATHA NATH RAY CHOUDHURY:** Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state what further steps he contemplates taking on the report of the Committee which was formed by him with a view to start medical schools in the districts of Bengal?

Mr. S. W. GOODE: The establishment of a medical school at Mymensingh has been approved and the Public Works Department have been requested to take up the work. Chittagong comes next in the order of priority and the Commissioner has been asked to have a detailed scheme worked out by a local Committee, but Government are not at present in a position to state when the Chittagong scheme, after it has been worked out, can be undertaken. There are also local proposals for the establishment of medical schools at Berhampore and Jalpaiguri.

The initial cost of the Mymensingh School, including equipment, will be roughly Rs. 1,73,000 whereas the Ronaldshay School at Burdwan cost over Rs. 3,70,000. Government after careful inquiry are of opinion that it is not advisable to construct buildings of a cheaper type or smaller in

extent than those which it is proposed to provide in Mymensingh. Nor is it considered desirable to reduce the strength and quality of the staff below that sanctioned at Burdwan, although the recurring cost of that staff is over Rs. 44,000 per annum. It is the heavy recurring charges rather than the initial expenditure, which renders it necessary for Government to proceed very cautiously at present with the medical schools programme.

Babu ANNADA CHARAN DUTTA: Has not the detailed scheme for the Chittagong Medical School been yet received?

Mr. S. W. COODE: The report so far received is incomplete, and we have asked for further information.

Babu ANNADA CHARAN DUTTA: May I inquire why Government are not at present in a position to state when the Chittagong scheme, after it has been worked out, can be undertaken and what are the reasons that it cannot be undertaken if the scheme is worked out?

Mr. S. W. COODE: The scheme will not be taken up this year, as the financial position of Government is yet uncertain.

Registration of documents in the zamindari cutcherry of Mr. Caspersz.

*VI. **Maulvi AZAHARUDDIN AHMED:** (*a*) With reference to the reply given to starred question No. LXXI on the 14th March, 1923, will the Hon'ble the Member in charge of the Department of Revenue (Land Revenue) be pleased to state whether any inquiry has since been made into the matter and, if so, with what result?

(*b*) If the answer to (*a*) is in the negative, what steps are the Government taking in the matter?

MEMBER in charge of DEPARTMENT of REVENUE [LAND REVENUE] (the Hon'ble the Maharajadhiraja Bahadur of Burdwan): (*a*) and (*b*) A further inquiry has been made and it has been ascertained that the facts are substantially the same as those already given in the previous reply. Mutations in the estate are allowed on payment of certain fees and on registration of the documents at the landlord's sherista in accordance with the terms of the tenants' leases. Steps are being taken to bring to the notice of the proprietor of the estate the reported action of his *amla* in levying fines for non-registration of the documents, to ascertain whether the procedure adversely affects the registration of documents at the sub-registrar's office, and, if so, to acquaint the tenants with the fact that documents which are not registered at the sub-registrar's office are invalid in law.

Survey and Settlement.

***VII. Maulvi AZAHARUDDIN AHMED:** (*a*) Will the Hon'ble the Member in charge of the Department of Revenue (Land Revenue) be pleased to state whether it is a fact that as yet no survey and settlement has been made of the rent-free zamindari of Mr. Caspersz in Matbaria in the district of Bakarganj?

(*b*) Is it a fact that the survey and settlement of the said land was done privately by Mr. Caspersz and was sanctioned by the Government without any inquiry?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble the Member be pleased to state why the records thereof have not been kept in the Barisal Collectorate?

(*d*) Is the Hon'ble the Member aware that the Barisal Collectorate fails to furnish the tenants of the same zamindari with certified copies of the settlement records?

(*e*) Are the Government considering the desirability of taking steps for the remedy of this grievance?

The Hon'ble the MAHARAJADHIRAJA BAHADUR of BURDWAN: (*a*) Yes.

(*b*) It is a fact that Mr. Caspersz had a private survey and record-of-rights prepared of the estate, but it is not a fact that it was sanctioned by Government. The facts will be found on page XVII of the appendices to the late Major Jack's Settlement Report of Bakarganj.

(*c*) The question does not arise.

(*d*) Presumably this must be the case, as the record is not a Government record.

(*e*) As the record is a private record, Government cannot undertake to take any steps regarding it.

Nomination of members of the Midnapore District Board.

***VIII. Dr. A. SUHRAWARDY:** (*a*) Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state whether it is a fact that Mr. A. W. Cook, officiating Commissioner of the Burdwan Division, nominated six salaried servants of Government as members of the Midnapore District Board in excess of his statutory powers?

(*b*) If so, will the Hon'ble the Minister be pleased to state in details the procedure adopted by Mr. Cook to rectify the mistake when the late Chairman of the District Board of Midnapore pointed out to him that he had acted in excess of his powers?

(c) Is it a fact that corrections and errata in connection with the publication of names of nominated members of the District Board of Midnapore were published no less than five times in the *Calcutta Gazette*?

(d) If not, will the Hon'ble the Minister be pleased to state how many times the officiating Commissioner of the Burdwan Division altered, modified or rectified the notification containing the names of nominated members of the Midnapore District Board appointed by him?

(e) Is it a fact that the late Chairman of Midnapore District Board had fixed the 10th April for a special meeting to elect its Chairman?

(f) Is it a fact that the Commissioner, Burdwan Division (Mr. A. W. Cook), wired to the late Chairman on the 8th April asking him to "postpone" the meeting and that subsequently he wired to the late Chairman on the 9th April to "cancel" the meeting?

Mr. S. W. COODE: (a) It is a fact that by an oversight, the Commissioner nominated one salaried servant of Government to the Board in excess of the number permitted under the law.

(b) He published a revised notification No. 940 L.S.-G., dated the 7th April, 1923, correcting his notification No. 620 L.S.-G., dated the 8th March, 1923, and cancelling his erratum published in the *Calcutta Gazette* of the 4th April, 1923.

(c) and (d) So far as Government are aware, there were three notifications on the subject.

(e) and (f) Government have no information on the subject

Dates of meetings of the Midnapore District Board.

***IX. Dr. A. SUHRAWARDY:** (a) Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state the dates of meetings of the District Board of Midnapore?

(b) Is the Hon'ble the Minister aware that Mr. Peddie, Additional District Magistrate of Midnapore, saw Kumar Debendra Lal Khan, M.L.C., at his residence and pressed him in the name of Mr. A. W. Cook to record his vote in favour of the Public Prosecutor of Midnapore who was a candidate for the Chairmanship of the District Board of Midnapore?

(c) Is it a fact that subsequently Mr. H. Graham, District Magistrate of Midnapore, asked the Kumar to vote for the Public Prosecutor of Midnapore but that the Kumar politely declined to do so?

(d) Is the Hon'ble the Minister aware that the Public Prosecutor of Midnapore posed as a candidate for the Chairmanship of the Midnapore District Board set up by Government and supported by the local executive officials?

(e) Is it a fact that the principal local executive and Police officials canvassed for the Public Prosecutor and did their level best to secure votes for him?

(*f*) Is the Hon'ble the Minister aware that on the 9th April, 1923, Dr. A. Suhrawardy, Chairman, District Board, Midnapore, saw the District Magistrate at his residence and pointed out to him the undesirability of official interference with the free and unfettered choice of members of the District Board in the matter of election of the Chairman?

(*g*) Is the Hon'ble the Minister aware that on the afternoon of the 9th April, 1923, the District Magistrate met Dr. A. Suhrawardy at the Town Club and expressed his appreciation of his friendly advice and assured him that official canvassing and interference will cease from that date?

(*h*) Is it a fact that in spite of this assurance the District Magistrate sent for various members of the District Board between the 16th and the 21st April and pressed them to vote for the Public Prosecutor?

(*i*) Is it a fact that the Public Prosecutor and his partisans continued up to the last to give out that he was set up as a candidate for Chairmanship by Government and held out threats of dire consequences to members of the Board not voting for him and their relations?

Mr. S. W. COODE: (*a*) Government are informed that they are held on the last Friday of the month.

(*b*) and (*c*) Government have no information.

(*d*) The Minister is aware that the Public Prosecutor of Midnapore stood for election to the Chairmanship of the Board. He was not "set up" by Government. The Minister is aware that the District Magistrate considered him a suitable candidate.

(*e*) to (*i*) Government have no information.

Court of Wards.

***X. Maulvi FAZLAL KARIM CHOWDHURY:** (*a*) Will the Hon'ble the Member in charge of the Department of Revenue (Land Revenue) be pleased to lay on the table a statement showing—

(*i*) when the Department of Court of Wards for the protection of encumbered estates, etc., was created;

(*ii*) how many Muhammadan estates are there now under the management of the Court of Wards in the Dacca Division; and

(*iii*) whether any Muhammadan Manager or Assistant Manager or Sub-Manager or Circle Officer was appointed under the Court of Wards since the creation of the Department?

(*b*) If the answer to (*a*) (*iii*) is in the affirmative will the Hon'ble the Member be pleased to state—

(*i*) the number of such appointments;

(*ii*) the time when those appointments were made; and

(*iii*) the posts to which appointed?

(*c*) If the answer to (*a*) (*iii*) is in the negative will the Hon'ble the Member be pleased to state—

(*i*) the reason why no Muhammadans were appointed to such posts; and

(*ii*) whether any steps are being taken in this matter?

(*d*) Will the Hon'ble the Member be pleased to lay on the table a statement showing the number of—

(*i*) Hindus;

(*ii*) Muhammadans; and

(*iii*) those who are other than Hindus and Muhammadans

who are now serving in different capacities under the Court of Wards in the Dacca Division?

(*e*) Will the Hon'ble the Member be pleased to lay on the table a statement showing—

(*i*) how many encumbered estates were taken under the management of the Court of Wards in the Presidency of Bengal since the creation of the Department;

(*ii*) which of them have been returned to the proprietors after the liquidation of their liabilities?

The Hon'ble the MAHARAJADHIRAJA BAHADUR of BURDWAN: (*a*) Statements are laid on the table.

(*i*) The Department of the Court of Wards was first created by the order of the Governor-General in Council on the 10th August, 1790.

(*ii*) Three (Dacca Nawab, Karatiya, and Dasmina estates).

(*iii*) Yes.

(*b*) (*i*) As far as information is available there have been 15 or 16 such appointments.

(*ii*) The exact time cannot be given.

(*iii*) Four Managers, one Assistant Manager, one Sub-Manager and nine or ten Circle Officers.

(*c*) Does not arise.

(*d*) (*i*) to (*iii*) Particulars as far as available are:—

Manager: Hindus 2; Muhammadan nil; others 3.

Assistant Manager: Hindus 2; Muhammadan nil; others nil.

Other executive and ministerial officers: Hindus 721; Muhammadans 258; others 2.

Menials: Hindus 482; Muhammadans 970; others 2.

Total—Hindus 1,207; Muhammadans 1,228; others 7.

(*i*) Information cannot be collected without labour and trouble incommensurate with its value.

(*ii*) Since 1912, three indebted estates have been released from the management of the Court of Wards after liquidation of their debts. Appendix V to the Wards Report for the year 1328 B.S., will show the number of such estates at present under the management of the Court of Wards and progress made in the repayment of their debts.

Transfer of certain political prisoners from the Alipore to Berhampore Jail.

***XI. Dr. A. SUHRAWARDY:** (*a*) Will the Hon'ble the Member in charge of the Department of Revenue (Jails) be pleased to state the reasons for transferring Babu Jitendra Lal Banerjee, Maulvi Muhammad Shafi and other political prisoners from the Alipore Central Jail to Berhampore Jail?

(*b*) Will the Hon'ble the Member be pleased to state whether it is a fact that some of the political prisoners are allowed the use of electric fans on payment of cost of electric installation?

(*c*) Will the Hon'ble the Member be pleased to state whether the cost of electric installation has been refunded to the prisoners on their transfer from the Alipore Central Jail?

MEMBER in charge of DEPARTMENT of REVENUE [JAILS] (the Hon'ble Mr. H. L. Stephenson): (*a*) Berhampore Jail has now been selected and set aside for the confinement of special class prisoners.

(*b*) Yes, while the prisoners were at Alipore.

(*c*) The cost was not refunded, because the concession was subject to the condition that in case of transfers no refund of the money spent would be made.

Effect of the recommendations of the Bengal Retrenchment Committee.

***XII. Raja MANMATHA NATH RAY CHOUDHURY:** (*a*) Will the Hon'ble the Member in charge of the Department of Finance be pleased to state—

(*i*) what is the total amount of reduction effected in public expenditure in Bengal, since the publication of the recommendations of the Bengal "Retrenchment Committee";

(*ii*) what further reduction is expected next year; and

(*iii*) what reduction is expected (approximately) when the full effect is given to such recommendations of the "Retrenchment Committee" as the Government contemplate accepting?

(*b*) Will the Hon'ble the Member be pleased to state when the public can expect to know the final decision of the Government with regard to the recommendations of the "Retrenchment Committee"?

MEMBER in charge of DEPARTMENT of FINANCE (the Hon'ble Mr. J. Donald): (*a*) and (*b*) The member is referred to the statement which has been circulated to all members of the Legislative Council.

Assistant Surgeon of the Barisal Hospital.

***XIII. Rai NIBARAN CHANDRA DAS GUPTA Bahadur:** (*a*) Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state whether it is a fact that it is proposed to abolish the post of the Assistant Surgeon attached to the Barisal Hospital for want of sufficient funds at the disposal of the Dispensary Committee?

(*b*) Is the Hon'ble the Minister aware of the fact that the abolition of the post will cause the greatest possible inconvenience to the public?

(*c*) Is the Hon'ble the Minister aware that an Assistant Surgeon has been maintained all along since the creation of the District Headquarters owing to the consideration that one Civil Surgeon could hardly cope with even the vast amount of police cases?

(*d*) Will the Hon'ble the Minister be pleased to state whether it is a fact that the Dispensary Committee are prepared to pay for the services of a Sub-Assistant Surgeon, provided the Government agree to maintain the services of an Assistant Surgeon?

(*e*) Will the Hon'ble the Minister be pleased to state whether it is in the contemplation of the Government to accede to the prayer of the Dispensary Committee in the matter of its contribution for the maintenance of the present staff, at its full strength?

Mr. S. W. GOODE: (*a*) The dispensary has been on the verge of bankruptcy. The Committee are anxious to place its finances on a stable basis and in pursuance of a Resolution passed by them on 30th April, 1923, dispensing, as a measure of economy, with the services of their Civil Assistant Surgeon. This officer has been replaced by a Sub-Assistant Surgeon.

(*b*) and (*c*) The public are not likely to be much inconvenienced as there will be a Sub-Assistant Surgeon to work in the place of the Civil Assistant Surgeon. Besides, another supernumerary officer of the Sub-Assistant Surgeon class has been posted to Barisal to assist the Civil Surgeon in connection with police cases.

(*d*) Yes. But owing to the present financial stringency Government are not prepared to undertake the additional expenditure which the proposal would involve.

(*e*) The answer is in the negative.

Rai NIBARAN CHANDRA DAS GUPTA Bahadur: Will the Hon'ble the Minister be pleased to state if Government would be pleased to post a Civil Assistant Surgeon as soon as the finances of the Dispensary Committee improved or are in a position to pay for the maintenance of a Civil Assistant Surgeon?

The Hon'ble Sir SURENDRA NATH BANERJEA: Yes, certainly.

Financial difficulty of the Mymensingh Ananda Mohan College.

***XIV. Raja MANMATHA NATH RAY CHOUDHURY:** (*a*) Is the Hon'ble the Minister in charge of the Department of Education aware of the financial difficulty of the Mymensingh Ananda Mohan College?

(*b*) Are the Government considering the desirability of affording any relief to the said institution?

MINISTER in charge of DEPARTMENT of EDUCATION (the Hon'ble Mr. P. C. Mitter): (*a*) Government have no information.

(*b*) In any case funds are not available this year.

Clinical Laboratory at Tangail.

***XV. Raja MANMATHA NATH RAY CHOUDHURY:** Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state how far the proposal to establish a Clinical Laboratory at Tangail for kala-azar has progressed and when the public may expect the *fait accompli*?

Mr. S. W. COODE: The present state of the proposal is as follows:—

The District Engineer has estimated that a suitable laboratory for the microscopic examination of blood in suspected kala-azar cases, could be constructed at a cost of Rs. 2,925. The Director of Public Health estimates the cost of equipment at Rs. 1,000 and the recurring expenditure at Rs. 2,600.

The Honorary Secretary of the local Bar Association took the matter up recently and Government in May last inquired what contribution the District Board was prepared to make towards the scheme and whether it could obtain any help from the Bar Association. The reply of the District Board has not yet been received and Government are at present unable to state when the scheme will be proceeded with.

Separation of Judicial and Executive and the Court Inspectors in the Presidency Magistrates' Courts.

***XVI. Dr. PRAMATHANATH BANERJEA:** Will the Hon'ble the Member in charge of the Judicial Department be pleased to state—

(*i*) whether there is complete separation between the Judicial and the Executive in Calcutta;

(*ii*) whether a private line of telephone communication exists between the Chief Presidency Magistrate and the Commissioner of Police? If so, why? If not, since when has it been disconnected;

(*iii*) whether the Court Inspectors attached to the courts of the Presidency Magistrates in Calcutta have any duties other than that of conducting the prosecutions in the police cases, before the Presidency Magistrates in *open* court? If so, why;

(*iv*) whether some of the Court Inspectors spend considerable time in the private chambers of some of the Presidency Magistrates? If so, why;

(*v*) whether the Chief Court Inspector sometimes drafts important letters for the Chief Presidency Magistrate and even writes the order-sheets in almost all the police cases and keeps with him the original records of the police cases;

(*vi*) whether it is a fact that the Chief Court Inspector often insists that he should be consulted as regards the Honorary Presidency Magistrates who should be invited to try the police cases; and

(*vii*) whether it is a fact that the Chief Court Inspector often writes down on the order-sheet even the name of the Honorary Presidency Magistrate to whom a police case should be transferred?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Sir Abd-ur-Rahim): (*i*) Yes.

(*ii*) No. The line was dismantled in February last.

(*iii*) Yes. They have to keep the Process registers, the General and other registers.

(*iv*) The Inspector of the Chief Court has many papers to put up to the Chief Presidency Magistrate. Other Court Inspectors attend magistrates in their chambers when called upon to do so. None of them spend any considerable time in the private chambers of magistrates.

(*v*) No. Occasionally the Chief Court Inspector writes out routine orders in absconders' cases.

(*vi*) No.

(*vii*) No.

Attendance of the Presidency Magistrates in Courts.

***XVII. Dr. PRAMATHANATH BANERJEA:** (*a*) Will the Hon'ble the Member in charge of the Judicial Department be pleased to lay on the table a copy of the rule framed under section 21 of the Criminal Procedure Code with reference to the hours of attendance of the Presidency Magistrates?

(*b*) Will the Hon'ble the Member be pleased to state whether any Presidency Magistrate attends the Calcutta Police Courts according to the Scheduled hours?

(*c*) If not, why not?

(*d*) Why is their attendance not strictly enforced?

The Hon'ble Sir ABD-UR-RAHIM: (*a*) A copy of the rule referred to is laid on the table.

(*b*) The Stipendiary Magistrates ordinarily do so.

(*c*) and (*d*) The time of attendance of Honorary Magistrates varies with the work they have in hand.

Rule referred to in the reply to starred question No. xvii (a) framed under section 21, Criminal Procedure Code.

PRESIDENCY MAGISTRATES' COURTS.

1. The Chief Presidency Magistrate will ordinarily sit from 10 A.M. till 4-30 P.M., the other salaried Presidency Magistrates from 10-30 A.M. till 5 P.M., and the Presidency Magistrates other than the Chief Presidency Magistrate or salaried Presidency Magistrates from midday till 5 P.M., on all days that are not gazetted holidays. On the last Saturday of each month one salaried Presidency Magistrate and a Bench of Presidency Magistrates only will sit. Special arrangements will be made for sittings during the Puja and Christmas holidays.

2. • • • • • • •

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Barrier gates at the Howrah Station.

***XVIII. Rai LALIT MOHAN SINGH ROY Bahadur:** (*a*) Is the Hon'ble the Minister in charge of the Public Works Department aware that new barrier gates have been created at the Howrah Station for entrance of the third class and inter class passengers to the platforms to the great inconvenience of the public?

(*b*) Are the Government aware that it will greatly inconvenience the *purdanashin* ladies and children who have to mix up in the crowd with men to go through those gates?

(*c*) Are the Government considering the desirability of asking the authorities of the Howrah Railway Station to erect separate barrier gates for ladies and children through which they will be able to go safely with one grown-up boy or a near relation who would conduct them to the platforms?

SECRETARY to GOVERNMENT, PUBLIC WORKS DEPARTMENT (Mr. C. C. Dey): (*a*) Yes. This was necessitated by the large number of passengers who constantly travelled without tickets.

(*b*) *Purdanashin* ladies and children are much less likely to be hurt now than they were under the old system, when the crowding and the rush on opening the gates were very much greater.

(c) The local Government are unable to compel the Railway Company to alter their arrangements for regulating passenger traffic, and the Railway Company has pointed out that the present arrangements minimise the danger of crowding, which is the object at which they aim.

Kumar SHIB SHEKHARESWAR RAY: Has the Local Government no jurisdiction over the Howrah Station?

Mr. C. C. DEY: Not that I am aware of.

Dacoities in the Kishoreganj subdivision, Mymensingh.

***XIX. Mr. S. M. BOSE:** (*a*) Has the attention of the Hon'ble the Member in charge of the Police Department been drawn to the frequent cases of dacoity in the Kishoreganj subdivision in Mymensingh, especially within the Bajitpore and the Kuliarchar thanas?

(*b*) Will the Hon'ble the Member be pleased to state how many cases of dacoity have been reported in these thanas during the last twelve months?

(*c*) Will the Hon'ble the Member be pleased to state what steps have been or are being taken to deal adequately with the matter and to protect the people?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Mr. H. L. Stephenson): (*a*) and (*b*) Twenty-two cases of dacoity have been reported in the Kishoreganj subdivision during the period 1st June, 1922, to 31st May, 1923. Of these only three were in Bajitpur police-station and five in Kuliarchar; one of those in Kuliarchar and two of those in Bajitpur took place during 1923.

(*c*) Preventive action against the gangs responsible have been taken and the situation is well in hand.

Babu INDU BHUSHAN DUTTA: May I inquire what is the nature of the preventive action that has been taken? Is it by posting punitive police?

The Hon'ble Mr. H. L. STEPHENSON: No, not by posting additional police. It is by breaking up gangs of dacoits by the use of the preventive sections of the Penal Code and by the employment of police patrol.

District Magistrates and Collectors and Additional District Magistrates and Collectors of the Midnapore district.

***XX. Dr. A. SUHRAWARDY:** Will the Hon'ble the Member in charge of the Appointment Department be pleased to state the names with the length of their services and the mode of their appointment, i.e.,

whether by open competitive examination or [illegible] under the Indian Civil Service Examination (Temporary Provisions) Act, 1915, of the District Magistrates and Collectors and Additional District Magistrates and Collectors of the District of Midnapore during the last five years?

The Hon'ble Mr. H. L. STEPHENSON: A statement is laid on the table.

Statement referred to in the reply to starred question No. XX.

Name of officer and date of appointment.	Approximate length of service on the date in column 1.	Mode of appointment.
Magistrate and Collector, Midnapore.		
T. Emerson, C.I.E., I.C.S., 2nd May, 1918 ...	23 years	... Open competitive examination.
G. P. Hogg, I.C.S., 28th January, 1919 ...	10 ,,	... Ditto.
A. W. Cook, C.I.E., I.C.S., 16th June, 1919 ...	21 ,,	... Ditto.
E. M. Mannooch, I.C.S., 19th February, 1923	15 ,,	... Ditto.
Hubert Graham, I.C.S., 27th March, 1923 ...	8 ,,	... Ditto.
J. Peddie, I.C.S., 18th June, 1923 ...	3 ,,	... Nomination under the Indian Civil Service Temporary Provisions Act.
Additional District Magistrate, Midnapore.		
A. K Jameson, I.C.S., 3rd January, 1918 ...	11 years	... Open competitive examination.
Rai Nikhil Nath Rai Bahadur, 4th July, 1918.	26 ..	... Promotion from the Provincial Civil Service.
Srigopal Bhattacharji, 2nd December, 1918	28 ,,	... Ditto.
D. L. Vaughan-Stevens, I.C.S., 6th December, 1919.	7 ,,	... Open competitive examination.
E. M. Mannooch, I.C.S., 7th April, 1920 ...	12 ,,	... Ditto.
Debendra Kumar Mitra, 4th May, 1921 ...	27 ,,	... Promotion from the Provincial Civil Service.
L. Birley, C.I.E., I.C.S., 27th August, 1921 ...	22 ,,	... Open competitive examination.
A. H. Kemm, I.C.S., 4th April, 1922 ...	6 ,, ..	Ditto.
E. M. Mannooch, I.C.S., 3rd October. 1922	14 ,,	... Ditto.
J. Peddie, I.C.S., 19th February, 1923 ...	3 ,,	... Nomination under the Indian Civil Service Temporary Provisions Act.
Saiyid Abdus Salik, 18th June, 1923 ...	27 ,,	... Promoted from the Provincial Civil Service.

Select Committee Meetings of the Calcutta Municipal Bill held at Darjeeling.

***XXI. Babu SURENDRA NATH RAY:** Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state—

(*i*) what was the expenditure incurred for payment to members of Council as travelling and other allowances for holding the meetings of the Select Committee of the Calcutta Municipal Bill at Darjeeling in September and October last;

(*ii*) whether it is a fact that some of the members of the Select Committee objected to the holding of the meetings at Darjeeling and that some of them did not attend; and

(*iii*) for how many days were the meetings held at Darjeeling?

Mr. S. W. GOODE: (*i*) Rs. 2,291-2-0.

(*ii*) One member is known to have objected. The average attendance of members in Darjeeling was, however, better than the average attendance in Calcutta.

(*iii*) Nine days.

Abolition of the Moslem High School, Dacca.

***XXII. Nawabzada K. M. AFZAL, Khan Bahadur:** (*a*) Will the Hon'ble the Minister in charge of the Department of Education be pleased to state whether it is in the contemplation of the Government to abolish the Moslem High School of Dacca and to amalgamate it with the Armanitola High English School?

(*b*) Is the Hon'ble the Minister aware of the fact that great dissatisfaction and agitation are prevailing amongst the Muhammadan community over this matter?

(*c*) Will the Hon'ble the Minister be pleased to state whether it is a fact that the said institution was started and maintained from the Mohsin fund and that it was provincialized in 1916 with the object of advancing the interests of Muhammadan students?

The Hon'ble Mr. P. C. MITTER: (*a*) No.

(*b*) Yes.

(*c*) It was originally established out of the Mohsin Fund as an integral part of the Dacca Madrassah which was subsequently taken over by Government. In 1916 it was transferred to the quarters it now occupies and given its present name.

Equipment charges for dafadars and chaukidars in the Burdwan district.

***XXIII. Mr. BIJOYPROSAD SINGH ROY:** (*a*) Will the Hon'ble the Member in charge of the Police Department be pleased to state whether the equipment charges for the dafadars and chaukidars are being regularly realized from the unions, Union Committees and Union Boards, in the Burdwan district, for the last five years?

(*b*) Are the Government aware that the dafadars and chaukidars of a large number of Union Boards in the district of Burdwan are without liveries, though the Boards have paid their equipment charges regularly; and that repeated reminders by the Boards to supply liveries have not been responded to? Are the Government prepared to take steps immediately on this matter?

The Hon'ble Mr. H. L. STEPHENSON: (*a*) Yes.

(*b*) Government have made inquiries. Delay in the supply of uniforms took place owing to the inability of the Midnapore jail to meet all the demands made on it. This has now been remedied by readjustment of work. The supply of all chaukidari uniforms for the district of Burdwan from the Midnapore jail has now been completed.

Professor of Hygiene.

***XXIV. Mr. BIJOYPROSAD SINGH ROY:** (*a*) Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state whether there is a post of the Professor of Hygiene in the School of Tropical Medicine and Hygiene and whether the salary of the post comes to about Rs. 2,800?

(*b*) Is it a fact that the said Professor has to deliver only about 20 lectures or so in the course of the year?

(*c*) Is it a fact that there are only 7 or 8 students for the D. P. H. training in the present session?

(*d*) Will the Hon'ble the Minister be pleased to state—

(*i*) the previous arrangements for the course of Hygiene lectures to D. P. H. students before the Tropical School was started;

(*ii*) who was the lecturer;

(*iii*) the numerical strength of the students lectured to; and

(*iv*) the salary drawn by the officer?

(*e*) Is it a fact that there is another professor of Public Health Laboratory Practice attached to the D. P. H. class with a salary of Rs. 2,100 a month plus house allowance?

(f) Is it a fact that previously the D. P. H. class was under the Director of Public Health?

(g) If so, will the Hon'ble the Minister be pleased to state why the Professor of Public Health Laboratory was not given a combined office as Professor of Hygiene and Laboratory Practice?

(h) Is it also a fact that besides these professors, two assistant professors are maintained on salaries in the cadre of Assistant Surgeons for these six or seven students?

Mr. S. W. GOODE: (a) The answer to the first part of the question is in the affirmative. The salary of the post ranges from Rs. 900 to Rs. 2,350 according to the rank of the officer holding it, the scale being the same as that sanctioned for I.M.S., officers holding professorial appointments in Bengal. A non-practising allowance of Rs. 500 per mensem is also attached to the post. The salary of the present incumbent, Lieutenant-Colonel A. B. Fry, I.M.S. C.I.E., D.S.O., is Rs. 2,100 plus Rs. 500, i.e., Rs. 2,600 per mensem.

(b) The Professor of Hygiene gives the following lectures in the course of the year:—

(1) D. T. M. class.—10 lectures and 4 Field Demonstrations.

(2) D. P. H. class.—93 lectures and 8 Field Demonstrations and 62 afternoons' laboratory work assisting the Professor of Laboratory Practice. Also coaching classes of 5 days a week for a month during the vacations.

(3) Short Course for School Certificate.—16 lectures and Field Demonstrations.

(c) Originally 9 students joined the D. P. H. class but 2 left at the end of the Winter session to sit for the D. P. H. examination in England.

(d) (i) Prior to the opening of the School of Tropical Medicine and Hygiene, the course of instruction for the D. P. H. curriculum, including laboratory instruction, tutorial classes and demonstrations, was given by the officers of the Public Health Department.

(ii) and (iv) There was no separate lecturer. Ten officers of the Public Health Department delivered the lectures and received honoraria for their extra work at rates ranging from Rs. 200 to Rs. 650 for the whole course.

(iii) 72, 22 and 26 students received their training during the years 1919-20, 1920-21 and 1921-22, respectively.

(e) Yes. There is a Professor of Public Health Laboratory Practice in the School. It is a part-time appointment held by the Director of Public Health Laboratory, Bengal, who is given an additional remuneration of Rs. 300 a month.

(f) Yes.

(*g*) The question of combining the professorships of Hygiene and Public Health Laboratory Practice was carefully considered by Government. As it was not considered practicable for one man to discharge satisfactorily the duties of the two professorships involving lectures on different subjects, two separate posts were created. The Director moreover has responsible work in his important laboratory.

(*h*) There are two assistant professors, but they do not belong to the Civil Assistant Surgeons' cadre. One of them draws a salary of Rs. 250 and another Rs. 350.

Anti-malarial schemes.

***XXV. Babu NALINI NATH ROY:** Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to enumerate the new anti-malarial schemes started since 1920, i.e., during the period of the Reformed Government?

Mr. S. W. GOODE: No new major anti-malarial irrigation scheme has been commenced since 1920, but work has proceeded on certain important schemes, such as the Arul Bil, Navi-Sunthi, etc., of which the Arul Bil scheme fulfils the criterion laid down for anti-malarial schemes. Two smaller schemes have also been started since 1920, viz., the Saraswati river scheme and the Budge Budge flood flush drainage scheme (central and northern sections), while the Kumarkhali Municipality has carried out a small flushing scheme with the object of improving the public health which appears to be very successful. The survey of the Bhairab-Matabhanga project has been completed.

Dacca University.

***XXVI. Dr. PRAMATHANATH BANERJEA:** Is the Hon'ble the Minister in charge of the Department of Education aware—

(*i*) that several members of the teaching staff of the Dacca University have been served with notices that their services will no longer be required;

(*ii*) that it has been decided by the authorities of the Dacca University that the services of such members of the teaching staff as belong to the Indian Educational Service will not be dispensed with;

(*iii*) that it has been decided to give Professor Jenkins an extra allowance of Rs. 200 per month;

(*iv*) that the University will henceforth spend Rs. 1,650 including allowances and contributions for Professor Jenkins;

(*v*) that the University of Dacca has to spend Rs. 1,900 a month including allowances and leave and pension contributions for Professor Langley; and

(*vi*) that several persons of the highest academic distinction and enjoying European reputation are employed by the Calcutta University as well as by the Dacca University on much lower salaries than the abovementioned gentlemen?

The Hon'ble Mr. P. C. MITTER: (*i*) Government have been informed that this is a fact.

(*ii*) Government have been informed that this is not a fact.

(*iii*) Government have been informed that the University paid Professor Jenkins an allowance of Rs. 100 per mensem in addition to his own I.E.S. pay, and in 1922-23 an allowance of Rs. 100 per mensem for his work as Dean of the Faculty of Science, but Professor Jenkins was unwilling to renew his agreement with the University except on condition that he should receive Rs. 200 a month in addition to his I.E.S. pay and this has been agreed to by the Executive Council and by Government.

(*iv*) The amount payable will depend on the actual I.E.S. pay received by Professor Jenkins.

(*v*) During the last year the amount received by Professor Langley was Rs. 1,250 as pay and Rs. 390-10-0 as pension contribution and Rs. 100 as Provost's allowance.

(*vi*) There are several persons who receive lower salaries but as to whether they enjoy European reputation or not Government do not desire to express any opinion.

Expenses of the District Board of Mymensingh on dispensaries and sanitation.

***XXVII. Mr. S. M. BOSE:** (*a*) Has the attention of the Hon'ble the Minister in charge of the Department of Local Self-Government been drawn to the fact that in spite of repeated requests by the inhabitants of the locality the District Board of Mymensingh spends very little for dispensaries, medical relief, sanitation, water-supply, and communications for the villages in the thanas of Itna and Mitamain in the Kishoreganj subdivision?

(*b*) Will the Hon'ble the Minister be pleased to state for the last six years—

(*i*) what is the total amount realized in cesses by the said District Board from the said villages;

(*ii*) what is the total amount spent by the board for improvements on the items mentioned in (*a*) within these thanas; and

(*iii*) what amount has the said District Board spent during the last six years for primary education within these thanas?

(*c*) Is the Hon'ble the Minister aware that the officiating Divisional Commissioner during his tour last month made, in his inspection note of the Itna District Board Dispensary, certain remarks to the effect that the dispensary is a poor one, more like that of an Union Board, than of a District Board, that more dispensaries are required, and that the District Board does very little for this backward area?

(*d*) Are the Government considering the desirability of taking early steps to ensure that adequate attention is paid by the District Board to the needs of the villages lying within the thanas of Itna and Mymensingh?

Mr. S. W. GOODE: (*a*) The Minister has no information other than that given below.

(*b*) (*i*) The information is not available.

(*ii*) Rs. 7,361 has been spent for the District Board Dispensary at Itna. Rs. 433 and Rs. 12 for the epidemic relief purposes within the jurisdiction of Mitamain and Itna thana, respectively, and Rs. 3,481 for communications within the jurisdiction of Itna thana.

(*iii*) Rs. 4,477 and Rs. 4,177 have been spent on primary education within the jurisdiction of Itna and Mitamain thana, respectively.

(*c*) Yes.

(*d*) It is not the policy of Government, unless grave abuses arise, to interfere with the detailed administration of District Boards, but a copy of the question has been forwarded to the Chairman of the District Board.

Average annual expenditure for students and patients in the Calcutta Medical College and in the Carmichael Medical College.

***XXVIII. Dr. JATINDRA NATH MOITRA:** (*a*) Has the attention of the Hon'ble the Minister in charge of the Department of Local Self-Government been drawn to the annual report issued by the Carmichael Medical College showing that the average annual expense incurred by Government for a student in the Calcutta Medical College amounts to Rs. 591 per annum, whereas the corresponding charge in the Carmichael Medical College is only Rs. 200?

(*b*) Will the Hon'ble the Minister be pleased to state whether the Government are considering the desirability of reducing the expenditure in the Calcutta Medical College?

(*c*) Has the attention of the Hon'ble the Minister been drawn to the annual report of the Carmichael Medical College Hospitals showing that the average cost of a patient in the Calcutta Medical College Hospitals is Rs. 1,200 per annum, whereas the corresponding cost for a patient in the Carmichael Medical College Hospitals is Rs. 598 only?

Mr. S. W. GOODE: The member is referred to the reply given to Mr. Ajoy Chunder Dutt's unstarred question No. 64 of this session.

Slaughter of cows.

***XXIX. Rai LALIT MOHAN SINGH ROY Bahadur:** (*a*) Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state whether his notice has been drawn to the notification of the Central Provinces Government No. 1236-953-VIII, dated the 31st May, 1922, by which the slaughter of all cows and animals up to the age of nine has been prohibited?

(*b*) Are the Government considering the desirability of introducing a clause in the new Bengal Municipal Bill prohibiting the slaughter of milch cattle and prime cows?

Mr. S. W. GOODE: (*a*) Yes.

(*b*) No such proposal is before Government.

Manufacture of salt for home consumption.

***XXX. Rai NIBARAN CHANDRA DAS GUPTA Bahadur:** (*a*) Will the Hon'ble the Member in charge of the Department of Finance be pleased to state whether there is a practice, on the part of the poor agriculturists, of the subdivision of Bhola, in Bakarganj, and the district of Noakhali of getting some salt, for home consumption, by a simple process of evaporation of the saline water accumulated in their fields (tending to destroy their crops if allowed to remain in deposit)?

(*b*) If so, will the Hon'ble the Member be pleased to state whether it is being done with the concurrence of the Department concerned?

The Hon'ble Mr. J. DONALD: (*a*) and (*b*) The information before Government is to the effect that no practice exists of manufacturing salt from saline water accumulated in fields and that such manufacture is quite impracticable. Illicit manufacture is confined to lixiviation from soil from the banks of waterways.

Babu INDU BHUSHAN DUTTA: Have Government ever allowed private manufacturers to manufacture salt for home consumption?

The Hon'ble Mr. J. DONALD: I would draw the attention of the hon'ble member to Question No. 68 (unstarred) which is an answer to it.

The "Servant" defamation case.

***XXXI. Dr. PRAMATHANATH BANERJEA:** Will the Hon'ble the Member in charge of the Police Department be pleased to state—

(*i*) the amount of expenses incurred by the Government in the *Servant* defamation case in the Police Court and in the High Court;

(*ii*) whether it is a fact that Mr. F. W. Kidd, Deputy Commissioner of Police, Calcutta, employed Babu Sukumar Banerjee, Chief Court Inspector, and Inspector Hem Chandra Lahiri, to collect evidence on his behalf, if so, why were the services of public officers requisitioned in a "private case";

(*iii*) whether the Government had given any instructions to any police officer to assist Mr. Kidd in his case;

(*iv*) whether it is a fact that Mr. F. W. Kidd applied for process against Ramendra Nath Ghosh, Printer and Publisher of the *Servant* in the "Private Chamber" of Mr. D. Swinhoe, Chief Presidency Magistrate, on 1st February, 1922, and that no part of the said proceedings took place in "open Court";

(*v*) whether it is a fact that shortly after the Chief Presidency Magistrate had ordered the issue of summons against the said Ramendra Nath Ghosh, the petition of complaint, instead of being entered in the "Complaint Register" and instead of being sent to the "Process Department" (as is done in the usual course), was made over to the Chief Court Inspector;

(*vi*) whether it is a fact that although no process-fee was deposited a summons was written out immediately by Babu Sukumar Banerjee, Chief Court Inspector, and no entry thereof was made in the "Process Register" and that the said summons was served on Ramendra Nath Ghosh on the evening of 1st February, 1922; and

(*vii*) why did the Chief Presidency Magistrate allow the suspension of the ordinary Court practice and procedure and even the operation of the Indian Court-fees Act in the case of Mr. F. W. Kidd?

The Hon'ble Mr. H. L. STEPHENSON: (*i*) The total expenses are as follows:—

Police Court—				Rs.
First trial	...	...	...	6,440
Second trial	...	...	...	510
	Total	...	...	6,950
High Court—				6,018
	Grand Total	...	...	12,698

(*ii*) Yes. The case was non-cognisable, but was instituted under the instructions of Government and there was no objection to the services of public officers being utilized in connection with it.

(*iii*) No.

(*iv*) Yes.

(*v*) It was made over to the Court Inspector then and entered later in the Complaint Register.

(*vi*) Summons was written out immediately by the Chief Court Inspector. Through an oversight no process-fee was deposited that day, but the omission was rectified later.

(*vii*) Government have no information, but understand that the application for process included also an application for a search warrant and that it is not unusual to hear such applications in chambers.

Dr. PRAMATHANATH BANERJEA: With regard to (*v*), is it the usual practice to make over the process to the Court Inspector and then to enter it later in the complaint register?

The Hon'ble Mr. H. L. STEPHENSON: I am afraid I have no information about it.

Scarcity of drinking water in rural Bengal.

***XXXII. Rai LALIT MOHAN SINGH ROY Bahadur:** (*a*) Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state whether he has made an extensive tour during the course of the last two years through the villages of Bengal to ascertain the real causes of the drinking water scarcity in rural Bengal with a view to solve the problem?

(*b*) Has the Hon'ble the Minister visited all the District Boards of Bengal and, if so, did the District Boards make any suggestions for the improvement of sanitation to the Hon'ble Minister? If so, how far have the suggestions been given effect to?

(*c*) Did the Hon'ble the Minister make any promises to the District Boards at their conferences? If so, how far have those promises been kept pending, awaiting execution in the near future?

Mr. S. W. COODE: (*a*) and (*b*) The Minister for Local Self-Government attended local district conferences convened by certain District Boards to consider what measures might be taken for the abatement of malaria and for improving the water-supply of rural Bengal. In the course of these conferences, the Minister suggested that minor schemes for the improvement of sanitation should be carried out by local bodies while in the case of major projects, Government would assist, consistently with their resources. The Minister pressed on local bodies the desirability of adopting a loan policy for major projects. A large number of District Boards prepared comprehensive schemes for the re-excavation of khals and rivers with the object of improving the public health as well as the water-supply. These schemes have all been examined by Government but the data furnished in respect of the re-excavation of khals and rivers were not sufficient to enable the Irrigation Department to advise on the schemes without further inquiry. In most cases the District Boards asked for large grants from Government and the financial difficulties which ensued in 1922 rendered it impossible for Government to consider such applications.

(*c*) The Minister promised that in the execution of major schemes Government "consistently with their resources" would assist local bodies. The financial stringency has rendered it impossible for Government to join with the local bodies in initiating any comprehensive scheme for the improvement of public health and water-supply by the re-excavation of rivers and khals.

Students of the Dacca Division and the Calcutta Campbell Medical School.

***XXXIII. Maulvi AZAHARUDDIN AHMED:** (*a*) Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state whether it is a fact that no student of the Dacca Division is allowed to be admitted into the Calcutta Campbell Medical School?

(*b*) If so, are the Government considering the desirability of abolishing this restriction in regard to the said school?

Mr. S. W. COODE: (*a*) The attention of the member is invited to the replies given to the unstarred questions Nos. 316 (*b*) and 439 (*f*) of Babu Annada Charan Dutta on the 8th February and 16th March, 1923, respectively, and to revised rule 10 of the Rules for the management of Government Medical Schools of which a copy is laid on the Library table.

(*b*) Government do not consider that the restriction imposed by the existing footnote to rule 10 unfairly prejudices the Dacca Division.

Calcutta University.

***XXXIV. Raja MANMATHA NATH RAY CHOUDHURY:** (*a*) Will the Hon'ble the Minister in charge of the Department of Education be pleased to state whether in view of the proposal to form a representative committee which he contemplates in connection with the Calcutta University, he has information that the University Bills, which have been introduced in the Council by private members, will be withdrawn?

(*b*) If not, will the Hon'ble the Minister oppose them on behalf of the Government?

(*c*) Will the Hon'ble the Minister be pleased to state when the said committee is going to be formed?

(*d*) Will the Hon'ble the Minister be pleased to state whether the non-official members of the Council will be given the opportunity to elect their representatives on the said committee?

The Hon'ble Mr. P. C. MITTER: (*a*) The Bills have been withdrawn.

(*b*) The question does not arise.

(*c*) It has since been decided to drop the committee and to hold a conference on the lines announced by His Excellency the Chancellor in his speech to the members of the Senate reported in the newspapers of the 13th July, 1923.

(*d*) As the committee has been dropped the question does not arise.

Water-ways of the Sara-Serajganj Railway.

***XXXV. Maulvi YAKUINUDDIN AHMED:** (*a*) With reference to the answer to clause (*a*) given to starred question No. XXVIII put at the November session of the Bengal Legislative Council, 1922, will the Hon'ble the Member in charge of the Department of Irrigation be pleased to state whether he has received the detailed report on the water-ways of the Sara-Serajganj railway?

(*b*) If the answer be in the negative, when does he expect to get that report?

MEMBER in charge of DEPARTMENT of IRRIGATION (the Hon'ble the Maharajadhiraja Bahadur of Burdwan): (*a*) No. The matter is still under investigation.

(*b*) The information will not be available till after the rains.

Alleged irregularities in certain elections of Pabna Local Board.

***XXXVI. SHAH SYED EMDADUL HAQ:** (*a*) Has the attention of the Hon'ble the Minister in charge of the Department of Local Self-Government been drawn to the proceedings of the Pabna Local Board held on the 14th February, 1922?

(*b*) Is it a fact that on the notice of the special meeting (No. 324-41) issued by Pabna Local Board office and dated 1st February, 1922, to be held on 14th February, 1922, it was stated that the following items of business were to be transacted at that meeting—

(*i*) to elect Chairman and Vice-Chairman of the new Board; and

(*ii*) to elect 7 members for the District Board, Pabna?

(*c*) Is it a fact that the names of the persons who voted for and against the proposals of gentlemen as Chairman and Vice-Chairman have not been recorded as required by Rule 74 and Model Rule 33?

(*d*) Is it a fact that the new Chairman of the Pabna Local Board took the chair before the approval of the Divisional Commissioner was obtained under section 25 of the Local Self-Government Act of 1885 (B.C.)? If the answer be in the negative, will the Hon'ble the Minister be pleased to state the date of the receipt of approval of the proceedings of the said Board by the Commissioner of the Rajshahi Division and the date of the new Chairman's assumption of office?

(*e*) Is it a fact that in pursuance to the notice mentioned in (*b*) above, Chairman, Vice-Chairman and also seven members of the Pabna Local Board were elected at one and the same meeting?

(*f*) Is it a fact that in connection with the proceedings of the Alipore Local Board, did the Advocate-General of Bengal give his opinion that the election of the members of the District Board at one and the same meeting of the Local Board for the election of Chairman and Vice-Chairman was *ultra vires* because it violated the provisions of rule 54, and hence that part of the proceedings of the meeting (election of the members of the District Board) was unsustainable?

(*g*) Does the Hon'ble the Minister consider the election of the seven members of the Pabna District Board made at the meeting of the Pabna Local Board held on the 14th February, 1922, as irregular and defective and not in conformity with section 120 of the Local Self-Government Act?

(*h*) If the answer to (*g*) is in the affirmative, will the Hon'ble the Minister be pleased to annul the proceedings of the Pabna Local Board held on 14th February, 1922, to secure conformity with law and with the rules in force thereunder, and to discharge the statutory obligation imposed upon the Government to see that the law and the rules are observed?

Mr. S. W. GOODE: (*a*) Yes.

(*b*) Yes.

(*c*) There being no other proposal and no other candidate for the election of the Chairman and the Vice-Chairman of the Local Board except Babu Lalit Mohan Saha and Babu Hemanta Kumar Sarkar, respectively, they were duly elected as Chairman and Vice-Chairman

following the procedure laid down in election rule 40. Rule 74 and Model Rule 33 do not apply to a case like this.

(*d*) Yes; the second part of the question does not arise.

(*e*) Yes.

(*f*) Yes, but in the Alipore case the irregularity lay in the fact that the Local Board—not the District Magistrate—should have convened the meeting for the election of the District Board members.

(*g*) No.

(*h*) The question does not arise.

Vocational education.

***XXXVII. Rai MAHENDRA CHANDRA MITRA Bahadur:** (*a*) Will the Hon'ble the Minister in charge of the Department of Education be pleased to state whether it has been decided to take no further action on the resolution on Vocational Education passed by the Council and accepted by the Government so far back as 23rd February, 1921?

(*b*) Is it a fact that a scheme for opening Vocational Institutions in more than one place in Bengal was sanctioned and advertisements were published inviting applications for teachers for the sanctioned institutions?

(*c*) Has the scheme been abandoned?

(*d*) If the answers to clauses (*a*) and (*c*) be in the affirmative, will the Hon'ble the Minister be pleased to state the reasons therefor?

The Hon'ble Mr. P. C. MITTER: (*a*) No. The member is referred in this connection to the answer to the starred question No. LV asked by Rai Lalit Mohan Singh Roy Bahadur at the meeting of the Council on the 9th February, 1923.

(*b*) Yes.

(*c*) No. The member is referred to the answer to the unstarred question No. 15 on the same subject put at this meeting by Babu Amulya Dhone Addy.

(*d*) Does not arise.

Expenditure by Bakarganj District Board on certain items.

***XXXVIII. Rai NIBARAN CHANDRA DAS GUPTA Bahadur:** (*a*) Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to make a statement as to how much money was spent by the District Board of Bakarganj in the years 1919—1923—

(*i*) for maintaining its—

(1) engineering staff,

(2) clerical staff,

(*ii*) for travelling allowances of its officers and members;

(*iii*) for construction and repairs of office-buildings, inspection-bungalows and huts;

(*iv*) for the maintenance of institutions and roads within municipal areas?

(*b*) Will the Hon'ble the Minister be pleased to state what percentage of the whole of the income of the District Board of Bakarganj is spent on items, mentioned in the previous portion of this question?

Mr. S. W. COODE: (*a*) and (*b*) This information cannot be easily furnished since most of the items of expenditure referred to are not shown under different heads. Government are of opinion that the time and labour involved in compiling this information would not be justified.

Unstarred Questions

(answers to which were laid on the table).

Contribution by the Government of India for the upkeep of the Calcutta Medical College.

1. Rai Dr. HARIDHAN DUTT Bahadur: Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state the amount of contribution received towards the upkeep of the Calcutta Medical College from the Government of India for the Training of Military Assistants and also the sums received from the Provincial Governments of Assam and Bihar for reserving special seats for the students belonging to those Provinces in the Calcutta Medical College?

The Hon'ble Sir SURENDRA NATH BANERJEA: At present the Government of India pay nothing for the training of Military Assistant Surgeons but it has already been decided to raise the point and to make a claim on this account. In 1921-22, the Bihar and Orissa Government and the Assam Government paid Rs. 51,623-8-0 and Rs. 21,677, respectively, for the training of their students at the Medical College.

Placing of Auliapur within the Patuakhali police-station.

2. Maulvi FAZLAL KARIM: (*a*) Will the Hon'ble the Member in charge of the Police Department be pleased to state the distance of Aulipur from police-station Galachipa in the district of Bakarganj and its distance from Patnakhali, and whether it is a fact that a big river intervenes between Auliapur and Galachipa?

(*b*) Is the Hon'ble the Member aware that the people of Auliapur are very turbulent and fond of litigation?

(*c*) Is it a fact that a case of murder committed last year or the year before in Auliapur is still undetected?

(*d*) Is it a fact that seven murders were committed this year in one family in Auliapur and that the police of Galachipa did not arrive till some days after the occurrence on account of the distance of the place from the police-station and the inconvenience of communications?

(*e*) Are the Government considering the desirability of placing Auliapur within the police-station of Patuakhali for better police administration?

(*f*) Are the Government considering the desirability of inviting the opinion of the local authorities in the matter?

The Hon'ble Mr. H. L. STEPHENSON: (*a*) Auliapur is 25 miles from Galachipa and 18 miles from Patuakhali. The river Lohalia intervenes between Auliapur and Galachipa.

(*b*) This is a matter of opinion.

(*c*) A murder was committed in 1921. The case was committed to the Court of Sessions where the accused were acquitted.

(*d*) These murders were committed on the 18th April, 1923, at 12 midnight and were reported at the police-station on the following day at 2 P.M. The police arrived at the place on the 20th April at 6 A.M.

(*e*) No.

(*f*) No.

Expansion of the School of Tropical Medicine.

3. Khan Bahadur Maulvi HAFIZAR RAHMAN CHAUDHURI: (*a*) Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state whether Government contemplate an early expansion of the School of Tropical Medicine?

(*b*) If so, when is such expansion likely to take place?

(*c*) Will the Hon'ble the Minister be pleased to state whether the contemplated expansion is to include the establishment of a leper asylum or hospital near the school?

(*d*) If the answer to (*c*) is in the affirmative, will the Hon'ble the Minister be pleased to state whether public opinion was consulted before the project was finally decided upon?

(*e*) Is the Hon'ble the Minister aware that there exists a strong public opinion against the establishment of a leper asylum or leper hospital in the very heart of the town of Calcutta?

(*f*) If so, are the Government considering the desirability of establishing the asylum or hospital outside the congested area of the town?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*a*), (*b*) and (*c*) The scheme referred to in the question is at present in abeyance and no final decision has been reached.

(*d*) If it is decided to proceed with the scheme, the Minister proposes first to take every opportunity of ascertaining public opinion on the project.

(*e*) Yes.

(*f*) It would be of great advantage to have the Out-patients' Institute which is referred to in this question in the immediate neighbourhood of the School of Tropical Medicine, as there must be the closest correlation between the work of the Leprosy Institute and other departments of the Tropical School. It is the desire of the Tropical School authorities to conduct research work on early cases of leprosy in the hope of ultimately finding a complete cure for the disease, and research work of this kind could not be carried on with equal facility in any site outside the town, but in view of the facts stated above every possibility will be considered before the scheme is proceeded with.

Pasture lands and cattle diseases in Bengal.

4. SHAH SYED EMDADUL HAQ: (*a*) Is the Hon'ble the Minister in charge of the Department of Agriculture and Industries aware that the pasture lands in the Bengal Presidency are inadequate considering the number of cattle in the Presidency?

(*b*) Is the Hon'ble the Minister also aware of the fact that cattle disease has been increasing for want of adequate pasture lands?

(*c*) Is the Hon'ble the Minister aware that the pasture and uncultivated lands are being cultivated by the tenants with or without the consent of the landlords?

(*d*) Is the Hon'ble the Member aware that at the raiyats' conferences recently held resolutions were passed to the effect that the landlords be approached for restoring sufficient pasture lands?

(*e*) Are the Government considering the desirability of taking early steps to provide sufficient pasture lands in the Presidency?

SECRETARY to GOVERNMENT, DEPARTMENT of AGRICULTURE and INDUSTRIES (Mr. J. T. Donovan): Yes.

(*b*) No.

(*c*) Yes.

(*d*) Yes.

(*e*) The member is referred to the debate in the July session of the Council on Maulvi Ekramul Huq's resolution on the subject.

Election of members of the District and Local Boards of Bakarganj.

5. Maulvi FAZLAL KARIM: (*a*) Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state whether it is a fact that the election of members of the District Board of Bakarganj from Local Boards was effected in November last?

(*b*) Why have not the names of the elected and nominated members for the District Board of Bakarganj been gazetted as yet?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*a*) and (*b*) The member is referred to the reply given to starred question No. III asked by Rai Nibaran Chandra Das Gupta Bahadur in this session.

Payment for medical aid by patients in Government hospitals in Calcutta.

6. SHAH SYED EMDADUL HAQ: (*a*) Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state whether it is a fact that from the 1st January, 1923, new rules have been introduced under which indoor and outdoor patients of several Government hospitals in Calcutta are required to pay for medical aid?

(*b*) Did the Hon'ble the Minister exhaust all possible means to effect retrenchment before taking this step?

(*c*) If so, what steps did he take to effect retrenchment and with what result?

(*d*) Is the Hon'ble the Minister aware that the new rules will adversely affect hundreds of the poor every year in Calcutta?

(*e*) Did the Hon'ble the Minister take into consideration the expenditure of the Medical Department as a whole before deciding on this step?

(*f*) Will the Hon'ble the Minister be pleased to state what steps he took to satisfy himself that no economy could be effected in the Medical Department and no money could be directed to meet the enhanced price of medical stores, etc.?

(*g*) Is it not a fact that the price of medical stores, etc., has risen since the outbreak of the Great War?

(*h*) What effect has this rise of prices had on the running of the hospitals since 1914 down to the present time?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*a*) The answer is in the affirmative. Indigent persons are, however, exempted from payment of such fees and from the 7th July the levy of a charge on out-patients has been abolished.

(*b*), (*c*), (*e*) and (*f*) The cost of maintaining these hospitals has increased considerably in recent years, and it was decided to charge fees from persons attending these hospitals who could afford to pay such fees, with a view to meet some portion at least of the increased expenditure in this connection. All possible steps are being taken to effect economy and increase resources and the measure in question was one of various measures which have received consideration.

(*d*) The new rules will not affect the really poor people as they are exempted from payment of the fees, while a large number of beds have been reserved for their free treatment.

(*g*) Yes.

(*h*) The rise in the prices of medical stores has to some extent adversely affected the management of hospitals and dispensaries, since it has been necessary to make every possible economy to counterbalance the additional expenditure on stores.

Comparing clerk for Registration offices.

7. Maulvi HAMID-UD-DIN KHAN: (*a*) Is the Hon'ble the Minister in charge of the Department of Education (Registration) aware that registered documents are compared and copied by ordinary clerks in Registration offices?

(*b*) Is the Hon'ble the Minister aware that it is possible that alterations may be made during the course of comparison and copying of those documents?

(*c*) Are the Government considering the desirability of appointing a comparing clerk in every Registration office as in civil or criminal courts to save the document from being altered or tampered with?

MINISTER in charge of DEPARTMENT of EDUCATION [REGISTRATION] (the Hon'ble Mr. P. C. Mitter): (*a*) Yes.

(*b*) Yes; but any wilful alteration made during the course of copying or comparison will make the person responsible for such alteration liable to criminal prosecution under section 81 of the Indian Registration Act.

(*c*) No; but instructions issued in 1921 that so far as possible copies should be checked by permanent mohurirs.

Appeal against the election of members to the District Board from the the Patuakhali Local Board.

8. Maulvi FAZLAL KARIM: (*a*) Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state—

(*i*) whether any member of the Patuakhali Local Board recently appealed to the Government against the order of the District Magistrate of Bakarganj to set aside the election of members to the District Board from the Patuakhali Local Board;

(*ii*) if so, how has the application been disposed of?

(*b*) Are the Government considering the desirability of amending the rules at an early date?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*a*) (*i*) Yes.

(*ii*) Government were advised that the application should be disallowed.

(*b*) Yes, certain amendments of the rules are under consideration.

Establishment of a municipality at Gaibandha.

9. Maulvi HAMID-UD-DIN KHAN: (*a*) Is the Hon'ble the Minister in charge of the Department of Local Self-Government aware that a proposal has been made for the establishment of a municipality at Gaibandha?

(*b*) Will the Hon'ble the Minister be pleased to state whether any objection or any deputation for and against the establishment of the said municipality has been received?

(*c*) Will the Hon'ble the Minister be pleased to state whether there was any objection as to the boundaries?

(*d*) Will the Hon'ble the Minister be pleased to state whether it is in the contemplation of the Government to establish a municipality at Gaibandha with little modification of boundaries?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*a*) Yes.

(*b*) An objection was lodged and the Minister for Local Self-Government discussed the case with a deputation of persons, who represented both sides of local opinion.

(*c*) Yes.

(*d*) As settled at the Conference, the District Magistrate has been asked to decide certain questions in dispute relating to the boundaries.

Munsifi Court at Gopalganj.

10. Babu BHISHMADEV DAS: (*a*) Will the Hon'ble the Member in charge of the Judicial Department be pleased to state what steps have been taken to open a Munsifi Court at Gopalganj?

(*b*) Will the Hon'ble the Member be pleased to state what will be the cost of erecting houses like those at Goalundo and Chikandi?

(*c*) Will the Hon'ble the Member be pleased to state whether the Government are considering the desirability of accepting the offer of the local Banking and Trading Company for erecting houses on Government land according to Government plan and of letting them out at a rent of 5 per cent. of the cost of erection?

(*d*) Will the Hon'ble the Member be pleased to state whether land has been acquired for the purpose?

The Hon'ble Sir ABD-UR-RAHIM: (*a*) The member is referred to the answer given to the question asked by Khan Bahadur Maulvi Rahmatjan Choudhury on this subject in the July sessions.

(*b*) Rs. 14,000 (excluding residences) but such buildings are only of a temporary nature.

(*c*) Government have received no such offer.

(*d*) Yes.

Searching fee in the Registration Department.

11. Babu JOGESH CHANDRA SARKAR: Is the Hon'ble the Minister in charge of the Department of Education (Registration) aware that "searching fees" are now twice charged (one for inspection of the Index, and again for inspection of the Volume) for inspection of a single document, and that previously one fee was considered sufficient?

The Hon'ble Mr. P. C. MITTER: From 1st January, 1865, to 30th June, 1893, there was only one fee of Re. 1 for searching the Registers, which included—(*a*) searching of the Indexes, and (*b*) inspection of Register-Book.

This fee of one rupee was split up with effect from 1st July, 1893, into two fees of annas eight each one for searching Indexes and the other for inspecting Registers. Thus there has been no increase under this head since 1865. Under the present provisions a person may search an Index only on payment of a fee of annas eight or inspect an entry in the Register-Book on payment of a fee of annas eight, under Article F(*1*) (*iii*).

The member is also referred to the reply to the unstarred question No. 413 by Maulvi Shah Abdur Rauf at the meeting of the 26th February, 1923.

Muhammadan and Namasudra riot at Padmalilla in Faridpur.

12. Babu BHISHMADEV DAS: (*a*) Is the Hon'ble the Member in charge of the Police Department aware that a serious riot between Muhammadans and Namasudras recently took place at Padmalilla, police-station Kasiani in Faridpur?

(*b*) Is he also aware of the fact that travelling has become unsafe especially for Namasudras in police-stations Bhanga, Maksudpur, Nagrakanda and in the neighbouring places and that litigants cannot regularly attend courts at Bhanga with the result that suits are decreed *ex parte* or dismissed for default?

(*c*) Will the Hon'ble the Member be pleased to state what steps are being taken by the Government to restore peace in the locality?

The Hon'ble Mr. H. L. STEPHENSON: (*a*) A serious disturbance took place in May last.

(*b*) Interference with travellers was confined to a few isolated cases for a very short time during the days of excitement. Journeys could be made to Bhanga with perfect safety in June and subsequently.

The figures of cases disposed of in the munsifs' courts at Bhanga during May and June have been examined by the District Judge and it does not appear that an unusual number of suits were decreed *ex parte* or dismissed for default. Five applications have been made for the revival of suits on the ground alleged in the question.

(*c*) Peace was fully restored in June.

Establishment of Union Boards in the Jessore district.

13. Babu NALINI NATH ROY: Is the Hon'ble the Minister in charge of the Department of Local Self-Government aware that the people of Jessore disapprove of the establishment of Union Boards in the district?

The Hon'ble Sir SURENDRA NATH BANERJEA: No. In 1922 the establishment of Union Boards in Jessore was sanctioned. One petition for and three petitions against the formation of such Boards have been received, but the Minister is unable to say how far these petitions represent popular opinion.

In any case they are based primarily on the incorrect assumption that the formation of a Union Board necessarily and inevitably involves new taxation. It is true that a Union Board will not attain its full measure of usefulness until its value and potentialities are so evident to the villagers as to lead them to acquiesce in self-taxation so as to give wider

scope for work than the contributions given by the District Board provide. But such taxation is purely optional and if this fact is grasped, it is believed that opposition to the expansion of village self-government will disappear.

Production of Medical Certificate from Civil Surgeon by constables on leave.

14. Maulvi RAFI UDDIN AHMED: (*a*) Is the Hon'ble the Member in charge of the Police Department aware that many constables on leave submit medical certificates from Sub-Assistant Surgeons?

(*b*) Is the Hon'ble the Member aware that these constables being very poor men are unable to secure a certificate from the Civil Surgeon or get them countersigned?

(*c*) Is the Hon'ble the Member aware that these certificates are not accepted by the Superintendents of Police and that the constables are prosecuted and sentenced in court on technical grounds?

(*d*) Will the Hon'ble the Member be pleased to state how many such prosecutions have taken place from 1st January to June, 1923, in Jessore?

(*e*) Will the Hon'ble the Member be pleased to state whether the Government are considering the desirability of relaxing the rules, if there be any, on this point?

(*f*) Is the Hon'ble the Member aware that there is at present great discontent in this district amongst the whole police force for the above reasons?

The Hon'ble Mr. H. L. STEPHENSON: (*a*) Yes.

(*b*) The question of poverty does not arise because no Government medical officer is permitted to charge any fees for granting such a certificate to any Government servant.

(*c*) Medical certificates granted to non-gazetted officers of Government by registered medical practitioners whose names are borne on the "annual medical list" published under section 32 of the Bengal Medical Act, 1914, are accepted by Superintendents of Police without countersignature by the Civil Surgeon. But if the Superintendent of Police has reason to doubt the genuineness or veracity of any such certificate, he may direct the officer applying for leave to appear before the Civil Surgeon for examination. Constables are not prosecuted on technical grounds, but on charges of absence without leave with insufficient reason.

(*d*) Seven.

(*e*) The rules are contained in paragraph 131, Volume III of the Police Regulations. Government do not propose to alter them.

(*f*) Government have received no report of discontent due to the rules, but some discontent has been reported on account of the difficulty in granting leave applications in Jessore district owing to a large number of men

having been granted leave on medical certificate. This is a frequent source of difficulty in the more unhealthy districts, and in the interests of those who require leave it is necessary to scrutinise closely all applications for extension of leave.

Establishment of Commercial, Agricultural and Industrial Schools.

15. Babu AMULYA DHONE ADDY: Will the Hon'ble the Minister in charge of the Department of Agriculture and Industries be pleased to state what steps have been taken during the last two years and what steps it is proposed to take during the current year for the establishment of—

(*a*) Commercial Schools with Museums,

(*b*) Agricultural Schools with farms,

(*c*) Industrial Schools with workshops,

in Bengal in accordance with the resolutions passed in this Council?

Mr. J. T. DONOVAN: (*a*) to (*c*) Schemes were prepared for the establishment of two Commercial schools, two Industrial schools and twenty Elementary Agricultural schools but none of these schemes could be given effect to owing to financial stringency. The case of the Commercial schools will receive the necessary attention of Government as soon as the financial position improves, but the schemes for the two other classes of schools will have to be re-examined from the point of view of the recommendations of the Retrenchment Committee as indicated in paragraphs 316 and 289 of their Report.

Babu AMULYA DHONE ADDY: May I ask as to whether the state of the finances has improved since the enactment of the taxation Acts and the reduction of expenditure on the recommendations of the Retrenchment Committee?

Mr. J. T. DONOVAN: It appears to be a question that should be addressed to the Finance Department.

Babu AMULYA DHONE ADDY: May I ask why even a beginning has not been made in connection with the establishment of commercial, technical and industrial schools notwithstanding the resolutions passed by this Council?

Mr. J. T. DONOVAN: For financial reasons.

Babu AMULYA DHONE ADDY: May I further ask as to whether Government would be pleased at least to commence the establishment of such schools during the current year?

Mr. J. T. DONOVAN: It all depends upon the financial condition.

Babu ANNADA CHARAN DUTTA: Is it not a fact that the project of a commercial and industrial school at Chittagong was approved of by Government and now awaits the sanction of His Excellency the Governor and that an advertisement for a Superintendent was made in the different papers? Will the Government be pleased to state if that project will be taken up first?

Mr. J. T. DONOVAN: I can give no such undertaking.

Increase in the number of dacoities in Bengal.

16. Babu SURENDRA NARAYAN SINHA: (*a*) Will the Hon'ble the Member in charge of the Police Department be pleased to lay on the table a statement showing—

(*i*) the cause or causes, either economic, political or otherwise, that have tended to the abnormal growth of dacoity in recent times all over the districts in Bengal;

(*ii*) the number of cases of dacoity reported from each of the districts of Bengal from January to April, 1923;

(*iii*) a comparative statement showing either increase or decrease in the number of cases of dacoity committed in each of the districts of Bengal during the corresponding months last year;

(*iv*) the number of cases, out of the total number of dacoities, that have been ascertained to be purely political;

(*v*) the reason or reasons that have led the authorities to give those cases a political complexion;

(*vi*) the total amount of wealth, in cash and jewellery which has, so far, been carried away by the dacoits in all the cases of dacoity committed by them in all the districts of Bengal during the period as aforesaid;

(*vii*) the number of cases of dacoity that have, so far, been traced, detected and sent up for trial and punished;

(*viii*) the number that still remains undetected;

(*ix*) the class or classes of people that have formed into gangs and have committed those dacoities; and

(*x*) the number of unlicensed guns and revolvers used along with other weapons in carrying out the dacoities?

(*b*) Are the Government considering the desirability of taking any drastic or special measure or measures to put an effective check on the increasing number of dacoits?

The Hon'ble Mr. H. L. STEPHENSON: (*a*) (*i*) Dacoities have increased in recent years for various reasons, of which economic distress is one. Another particular factor was the escape of convicts from Rajshahi Jail in March, 1921. To a great extent the non-co-operation movement has been the cause by spreading contempt for lawful authority,

dislocating the chaukidari administration and diverting the energies of the regular and rural police from their preventive duties and the surveillance of criminals.

(*ii*) and (*iii*) A statement is laid on the table.

(*iv*) Nil.

(*v*) This does not arise.

(*vi*) Rs. 4,83,000 in cash and ornaments.

(*vii*) and (*viii*) A statement is laid on the table.

(*ix*) Most of the dacoities were committed by the poorer classes; a few have been the work of *bhadralok* gangs.

(*x*) In 29 cases, guns and in two cases, revolvers were used along with other weapons. It is not known whether they were licensed or unlicensed.

(*b*) Measures have been taken and continue to be taken by way of preventive action under the Code of Criminal Procedure and the employment of special patrols in affected areas. The situation is improving.

Statement referred to in the reply to unstarred question No. 16 (vii) and (viii) showing the number of cases of dacoity in Bengal districts.

Names of districts.	Number of cases of dacoity reported from January to April, 1932.	Number of cases from January to April, 1931.	Increase or decrease.
Burdwan—			
Bankura	10	16	- 6
Birbhum	12	9	+ 3
Burdwan	24	16	+ 8
Hooghly	11	20	- 9
Howrah	7	11	- 4
Midnapore	42	95	- 53
Total ...	106	167	- 61
Presidency—			
Jessore	2	9	- 7
Khulna	2	6	- 4
Murshidabad	5	12	- 7
Nadia	17	23	- 6
24-Parganas	33	32	+ 1
Total ...	59	82	- 23

Names of districts.	Number of cases of dacoity reported from January to April, 1923.	Number of cases from January to April, 1922.	Increase or decrease.
Rajshahi—			
Bogra	14	14	...
Darjeeling	7	4	+ 3
Dinajpur	25	29	- 4
Jalpaiguri	11	10	+ 1
Malda	5	5	...
Pabna	17	19	- 2
Rajshahi	9	17	- 8
Rangpur	45	44	+ 1
Total ...	133	142	- 9
Dacca—			
Dacca	31	26	+ 5
Mymensingh	30	35	- 5
Tippera	17	21	- 4
Total ...	78	82	- 4
Bakarganj—			
Bakarganj	18	26	- 8
Chittagong	5	2	+ 3
Faridpur	13	13	...
Noakhali	...	1	- 1
Total ...	36	42	- 6
Provincial Total ...	412	515	- 103

Statement referred to in the reply to unstarred question No. 16 (vii) and (viii) showing the results of investigation of dacoity cases.—January to April, 1928.

District.	Cases in which no one was sent up for trial.	Cases in which persons were sent up for trial.	Cases in which conviction was obtained.	Number in column 1 pending investigation.	Number in column 2 pending trial.
Burdwan—					
Bankura ...	10	...	...	3	...
Birbhum ...	10	2	1	...	1
Burdwan ...	22	2	...	4	1
Hooghly ...	10	1	1	...	...
Howrah ...	6	1	...	1	1
Midnapore ...	37	5	2	8	1
Presidency—					
Jessore ...	2	...	...	...	...
Khulna ...	2	...	...	1	...
Murshidabad ...	5	...	...	1	...
Nadia ...	11	6	1	3	5
24-Parganas ...	29	4	1	20	3
Rajshahi—					
Bogra ...	8	6	1	3	5
Darjeeling ...	6	1	...	2	1
Dinajpur ...	23	2	1	4	1
Jalpaiguri ...	11	...	...	2	...
Malda ...	4	1	...	...	1
Pabna ...	14	3	...	2	2
Rajshahi ...	7	2	...	1	1
Rangpur ...	38	7	...	6	6

District.	Cases in which no one was sent up for trial.	Cases in which persons were sent up for trial.	Cases in which conviction was obtained.	Number in column 4 pending investigation.	Number in column 5 pending trial.
Dacca—					
Dacca ...	29	2	1	10	1
Mymensingh ...	26	4	...	8	3
Tippera ...	15	2	...	2	2
Bakarganj—					
Bakarganj ...	16	2	...	4	2
Chittagong ...	5	...	...	2	...
Faridpur ...	12	1	...	5	1
Noakhali ...	...	...	...	...	...
Provincial Total ...	358	54	9	92	38

Acquisition of Jote lands in the Western Duars Khasmahal to be included within the Reserved forest area.

17. Mr. PRASANNA DEB RAIKAT: (*a*) Will the Hon'ble the Member in charge of the Department of Revenue (Land Revenue) be pleased to state the policy, if any, of the Government in acquiring large quantities of Jote lands in the Western Duars Khasmahal in Jalpaiguri and of including them within the Reserved forest area?

(*b*) Is it a fact that on account of the above extension of forest a large number of people have been evicted from their holdings and have been deprived of a considerable portion and, in some cases, the major portions, of their agricultural lands?

(*c*) Is it a fact that they have not been paid anything as compensation for their lands?

(*d*) Have the Government taken any steps to mitigate the sufferings of these tenants?

(*e*) Are the Government aware that there has been much opposition on the part of the Jotedars and much discontent prevails amongst them in connection with the new leases?

The Hon'ble the MAHARAJADHIRAJA BAHADUR of BURDWAN: (*a*) It is the policy of Government to avoid the resumption of large areas of Jote lands for the purposes of reservation of forests. But the resumption of such lands for the extension of reserved forests sometimes becomes necessary for the prevention of erosion and on other such unavoidable grounds.

(*b*) No.

(*c*) Yes. This is in accordance with the terms of the lease under which the land is held. Compensation is, however, paid for houses and trees standing on the land.

(*d*) Yes. In settling new lands, preference is given to the *bona fide* cultivators that may have suffered on account of such resumption proceedings.

(*e*) The restrictions regarding transfer in the new form of mal-jote leases had caused a stir among the Jotedars in the beginning, but when it was realized that they were meant for the exclusion of foreigners and for the benefit of the local Jotedars, the opposition ceased. So far as Government is aware no discontent exists at present.

Headquarters of members and allowances drawn.

18. Maulvi A. K. FAZL-UL HAQ: (*a*) Will the Hon'ble the Member in charge of the Legislative Department be pleased to lay on the table a statement showing the amount of travelling and residential allowances drawn by each of the members of the Bengal Legislative Council from 1st July, 1922, to March, 1923, and the headquarters from which such travelling allowance has been drawn for attendance at Council meetings or Select Committee meetings in Calcutta?

(*b*) Will the Hon'ble the Member be pleased to state who among the members have drawn week-end travelling allowances from February, 1921, to March, 1923?

MEMBER in charge of LEGISLATIVE DEPARTMENT (the Hon'ble Sir Abd-ur-Rahim): (*a*) and (*b*) Two statements are laid on the table.

Statement referred to in the reply to unstarred question No. 18 (a) showing the amount of mileage and daily allowances drawn by each member of the Bengal Legislative Council and the headquarters from which such mileage allowances have been drawn, from July, 1922, to 31st March, 1923.

Names.	Headquarters.	Amount drawn. Rs. A. P.
Afzal, Nawabzada K. M., Khan Bahadur ...	Dacca ...	1,955 12 0
Ahmed, Khan Bahadur Maulvi Emaduddin ...	Rajshahi ...	1,254 8 0
Ahmed, Khan Bahadur Maulvi Wasimuddin	Pabna ...	1,892 4 0
Ahmed, Maulvi Azaharuddin	Gulshakhali ...	1,829 2 0

Names.	Headquarters.	Amount drawn.		
		Rs.	A.	P.
Ahmed, Maulvi Rafi Uddin	Jessore ...	1,150	0	0
Ahmed, Maulvi Yakinuddin	Dinajpur ...	2,190	5	0
Ahmed, Mr. M.	Kartickpur ...	1,046	11	0
Ahmed, Munshi Jaffar	Panchlaish ...	2,159	10	0
Ali, Mr. Syed Erfan	Hooghly ...	1,133	0	0
Ali, Munshi Amir	Chittagong ...	1,682	8	0
Ali, Munshi Ayub	Do. ...	2,018	10	0
Arhamuddin, Maulvi Khandakar ...	Tangail ...	1,646	15	0
Azam, Khan Bahadur Khwaja Mohamed ...	Dacca ...	1,581	14	0
Barma, Rai Sahib Panchanan, M.B.E. ...	Rangpur ...	1,860	14	0
Bhattacharji, Babu Hem Chandra ...	Dharampur ...	2,484	15	0
Chaudhuri, Babu Kishori Mohan ...	Rajshahi ...	2,071	2	0
Chaudhuri, Babu Tanka Nath	Moldawar ...	1,155	9	0
Chaudhuri, Khan Bahadur Maulvi Hafizar Rahman.	Bogra ...	1,663	1	0
Chaudhuri, Maulvi Shah Muhammad ...	Malda ...	1,230	15	0
Chaudhuri, Khan Bahadur Maulvi Rahmatjan	Khanpur ...	1,117	4	0
Chaudhuri, Maulvi Fazlal Karim ...	Ulania ...	1,083	1	0
Das, Babu Bhishmadev	Bhanga ...	2,220	4	0
Das Gupta, Rai Bahadur Niharan Chandra	Barisal ...	1,127	6	0
DeLisle, Mr. J. A.	Narayanganj ...	1,528	8	0
Doss, Rai Bahadur Pyari Lal, M.B.E. ...	Dacca ...	928	3	0
Dutta, Babu Annada Charan	Chittagong ...	1,489	1	0
Dutta, Babu Indu Bhushan	Comilla ...	1,679	6	6
Faroqui, Mr. K. G. M.	Do. ...	782	10	0
Haq, Shah Syed Emdadul	Do. ...	1,813	7	0
Huq, Maulvi Ekramul	Gorabazar ...	1,300	13	0
Hussain, Maulvi Mahammed Madassur ...	Rampurhat ...	1,084	10	0
Janah, Babu Sarat Chandra	Midnapore ...	279	6	0
Karim, Maulvi Fazlal	Patuakhali ...	1,842	8	0
Khan, Babu Debendra Lal	Midnapore ...	510	0	0
Khan, Maulvi Hamid-ud-din	Gaibandha ...	1,943	0	6
Khan, Maulvi Muhammad Rafique Uddin ...	Jamalpur ...	2,182	2	0
Khan, Mr. Razaur Rahman	Balia ...	429	2	0
Khan Chaudhuri, Khan Bahadur Maulvi Muhammad Ershad Ali.	Natore ...	1,489	13	0
Makramali, Munshi	Noakhali ...	1,660	7	0
Mitra, Rai Bahadur Mahendra Chandra ...	Hooghly ...	530	1	0
Mukharji, Babu Satish Chandra ...	Do. ...	513	1	0
Mukherji, Professor S. C.	Serampore ...	554	2	0
Mukhopadhaya, Babu Sarat Chandra ...	Tamluk ...	969	6	0
Mullick, Babu Nirode Behary	Khulna ...	1,648	10	0
Pahlowan, Maulvi Muhammad Abdul Jubbar	Chinaduli ...	1,473	10	0
Rauf, Maulvi Shah Abdur	Rangpur ...	1,530	8	0

Names.	Headquarters.	Amount drawn.		
		Rs.	A.	P.
Ray, Kumar Shib Shekhareswar ...	Tahirpur ...	834	4	0
Ray, Rai Bahadur Upendra Lal ...	Chittagong ...	2,924	2	0
Ray Chaudhuri, Babu Brojendra Kishor ...	Gouripur ...	503	12	0
Ray Chaudhuri, Mr. Krishna Chandra ...	Chandernagore ...	1,642	14	0
Ray Choudhury, Raja Manmatha Nath ...	Santosh ...	622	0	0
Rishi, Babu Rasik Chandra	Noakhali ...	1,345	13	0
Roy, Babu Jogendra Krishna	Domesha ...	1,374	14	0
Roy, Babu Jogendra Nath	Amligola ...	1,498	6	0
Roy, Babu Nalini Nath	Jessore ...	174	8	0
Roy, Maharaja Bahadur Kshaunish Chandra	Nadia ...	1,186	14	0
Roy, Mr. Bijoyprosad Singh	Chakdighi ...	1,144	10	0
Roy, Mr. Tarit Bhushan *	Amligola ...	104	11	0
Roy, Rai Bahadur Lalit Mohan Singh ...	Chakdighi ...	1,121	0	0
Roy, Raja Manilall Singh, C.I.E. ...	Do. ...	1,008	0	0
Sarkar, Babu Jogesh Chandra	Rangpur ...	1,701	0	0
Sinha, Babu Surendra Narayan ...	Nehalia ...	787	15	0
Suhrawardy, Dr. Hassan	Midnapore ...	571	4	0
Travers, Mr. W. L., O.B.E.	Jalpaiguri ...	919	6	0

* This member does not draw regularly his mileage allowance but he draws it on special circumstances.

Statement referred to in the reply to unstarred question No. 18 (b) regarding week-end journeys made by members since February, 1921.

1. Afzal, Nawabzada, K. M., Khan Bahadur.
2. Ahmed, Khan Bahadur Maulvi Emaduddin.
3. Ahmed, Khan Bahadur Maulvi Wasimuddin.
4. Ahmed, Maulvi Azaharuddin.
5. Ahmed, Maulvi Rafi Uddin.
6. Ahmed, Maulvi Yakuinuddin.
7. Ahmed, Mr. M.
8. Ahmed, Munshi Jafar.
9. Ali, Munshi Amir.
10. Ali, Munshi Ayub.
11. Arhamuddin, Maulvi Khandakar.
12. Azam, Khan Bahadur Khwaja Mohamed.
13. Barma, Rai Sahib Panchanan, M.B.E.
14. Bhattacharji, Babu Hem Chandra.
15. Chaudhuri, Babu Kishori Mohan.
16. Chaudhuri, Khan Bahadur Maulvi Hafizar Rahman.

17. Das, Babu Bhishmadev.
18. Faroqui, Mr. K. G. M.
19. Huq, Maulvi Ekramul.
20. Hussain, Maulvi Mahammed Madassur.
21. Khan, Maulvi Hamid-ud-din.
22. Khan, Maulvi Md. Rafique Uddin.
23. Khan Chaudhuri, Khan Bahadur Maulvi Muhammad Ershad Ali.
24. Makramali, Munshi.
25. Mukhopadhaya, Babu Sarat Chandra.
26. Mullick, Babu Nirode Behary.
27. Pahlowan, Maulvi Md. Abdul Jubbar.
28. Rauf, Maulvi Shah Abdur.
29. Rishi, Babu Rasik Chandra.
30. Roy, Mr. Bijoyprosad Singh.
31. Roy, Rai Bahadur Lalit Mohan Singh.
32. Roy, Raja Maniloll Singh, C.I.E.
33. Roy Chaudhuri, Babu Sailaja Nath.
34. Sarkar, Babu Jogesh Chandra.

Muhammadan ministerial officers in the Tippera and Noakhali districts.

19. SHAH SYED EMDADUL HAQ: (*a*) Will the Hon'ble the Member in charge of the Judicial Department be pleased to lay on the table a statement showing—

(*i*) the number of ministerial officers in the Tippera and Noakhali districts, subdivision by subdivision and how many of them are Muhammadans;

(*ii*) the number of vacancies which took place in the ministerial staff; and

(*iii*) the number of Muhammadans appointed to fill up such vacancies during the last two years?

(*b*) Will the Hon'ble the Member be pleased to state whether the Government are considering the desirability of taking steps to bring the number of Muhammadans to one-third of the total strength, where necessary, in view of the circular issued by the Government in 1914?

The Hon'ble Sir ABD-UR-RAHIM: (*a*) (*i*) to (*iii*) A statement is laid on the table.

(*b*) The statistics furnished will show that steps have already been taken to attain the one-third standard.

Statement referred to in the reply to unstarred question No. 19 (a).

	Number of Ministerial Officers.		Number of Muhammadans.		Number of vacancies which took place during last 3 years.		Number of Muhammadans appointed to fill up such vacancies.	
	District Judge's establishment.	District Magistrate's establishment.	District Judge's establishment.	District Magistrate's establishment.	District Judge's establishment	District Magistrate's establishment.	District Judge's establishment.	District Magistrate's establishment.
District Tippera—								
Sadar subdivision ...	92	86	24	26	4	2	1	1*
Brahmanbaria subdivision	52	12	19	4	...	2	...	1
Chandpur subdivision	28	8	7	3	...	1	...	1
District Noakhali ...	101*	...	33	...	7	4	3	2
Sadar subdivision ...	...	70	...	23	...	...	...	...
Feni subdivision ...	...	7	...	3	...	...	...	...

Headquarters of members and allowances drawn.

20. Babu HEM CHANDRA NASKER: (*a*) Will the Hon'ble the Member in charge of the Legislative Department be pleased to lay on the table a statement showing the amount of travelling and residential allowances drawn by each of the members of the Bengal Legislative Council from 1st July, 1922, to March, 1923, and the headquarters from which such travelling allowances have been drawn to attend Council meetings or Select Committee meetings in Calcutta?

(*b*) Will the Hon'ble the Member be pleased to state who among the members have drawn week-end travelling allowances from February, 1921, to March, 1923?

(*c*) Will the Hon'ble the Member be pleased to state whether any members put in bills for travelling in Railway trains in compartments other than first class compartments?

(*d*) If so, will the Hon'ble the Member be pleased to state their names?

The Hon'ble Sir ABD-UR-RAHIM: (*a*) and (*b*) The member is referred to the reply given to unstarred question No. 18 at this session.

(*c*) Yes.

(*d*) (*1*) Maulvi Muhammad Rafique Uddin Khan, (*2*) Rai Mahendra Chandra Mitra Bahadur, (*3*) Babu Surendra Narayan Sinha.

Education of the backward classes.

21. Rai Dr. HARIDHAN DUTT Bahadur: Will the Hon'ble the Minister in charge of the Department of Education be pleased to state—

(*i*) how he means to spend the sanctioned amount of Rs. 20,000 for the improvement of education of the backward classes during the year 1923-24;

(*ii*) whether the sum is going to be spent through the departmental agency or through some public or private societies; and

(*iii*) if through societies, will he be pleased to lay on the Library table the audited accounts of these societies for 1922-23 and their budget estimates for 1923-24?

The Hon'ble Mr. P. C. MITTER: (*i*) A statement is laid on the table.

(*ii*) Both.

(*iii*) Government regret that they are not at present in a position to comply with this request. The Department is in correspondence with the societies on the subject.

Statement referred to in the reply to unstarred question No. 21 (i) shewing an account of the grant of Rs. 20,000 sanctioned in Government order No. 538 Edn., dated the 16th February, 1923, to be spent during 1923-24 and 1924-25.

Serial No.	Items of expenditure.	During 1923-24.	During 1924-25	Remarks.
1	Recurring grant for the education of Santhals and aboriginal girls.	642	642	The amount is given to the Baptist Zenana Mission, Entally.
2	2 Graduate scholarships of Rs. 30 a month each.	1,080	1,080	
3	4 Senior Scholarships of Rs. 15 a month each.	1,440	1,440	
4	4 Junior scholarships of Rs. 10 a month each.	960	960	The amount is spent through Departmental agencies.
5	33 Middle scholarships of Rs. 4 a month each.	3,168	4,752	
6	60 Upper Primary scholarships of Rs. 3 a month each.	4,320	4,320	
7	Grant to the Namasudra Students Hostel at Faridpur.	312	312	
8	Grant to the Society for Backward Classes to help starting new primary schools.	3,250	3,250	The amount is spent through the Secretary of the Society.
9	Grant to a Training Class for Santhali Gurus for supplementing scholarships and pay of teachers, etc.	1,656	1,656	The amount is spent by the Bhimpore Mission authorities in Midnapore.
	Total ...	16,828	18,412	

Supply of uncertified copies from copies of settlement records.

22. Babu BHISHMADEV DAS: Will the Hon'ble the Member in charge of the Department of Revenue (Land Revenue) be pleased to state whether the Government are considering the desirability of passing orders to Munsifs' Courts to supply uncertified copies from copies of settlement records for information of the parties and the public?

The Hon'ble the MAHARAJADHIRAJA BAHADUR of BURDWAN: The answer is in the negative.

Raiyat Conference at Fuljhuri.

23. Maulvi FAZLAL KARIM: (*a*) Will the Hon'ble the Member in charge of the Department of Revenue (Land Revenue) be pleased to state whether he is aware of a Raiyat Conference held in *Baisak* last at Fuljhuri in the district of Bakarganj, presided over by Shah Syed Emdadul Haq?

(*b*) Was a copy of the resolutions passed in that Conference forwarded to the Government?

The Hon'ble the MAHARAJADHIRAJA BAHADUR of BURDWAN: (*a*) Yes.

(*b*) Yes.

Beds in the Medical College Hospital and in the Campbell Hospital.

24. Babu RISHINDRA NATH SARKAR: (*a*) Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state the number of beds in the Medical College Hospital and in the Campbell Hospital that are maintained by the Government and by private endowments?

(*b*) Will the Hon'ble the Minister be pleased to place on the Library table a list of donors who have provided for maintaining the beds in the above Hospitals; if it is not possible to publish a separate list?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*a*) and (*b*) (*i*) The Medical College Hospitals—By Government 572; by private endowment about 10*.

(*ii*) The Campbell Hospital—By Government 732; by private endowment 1.

The "Nam Soon Chinese Church and Club" contributes Rs. 2,000 annually for reservation of two Government beds in the Medical College Hospital for the admission of two Chinese who are members of that Club.

The endowed bed in the Campbell Hospital was provided by Mr. B. De, I.C.S.

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* These are special beds for children in the "Nistarini Dasi's ward for children," and are maintained out of the proceeds of the Nistarini Dasi Trust Fund. The number of beds is variable being dependent on the fluctuating income of the Fund.

Hostel accommodation in Calcutta for female college students.

25. Babu JATINDRA NATH BASU: (*a*) Will the Hon'ble the Minister in charge of the Department of Education be pleased to state—

(*i*) the amount spent by Government during the last 10 years in erecting hostels for female college students; and

(*ii*) the amount spent by Government during the same period in erecting hostels for female college students; and

(*iii*) what is the present hostel accommodation in Calcutta for female college students?

(*b*) Is the Hon'ble the Minister aware that the demand for accommodation in hostels for female college students is far in excess of the accommodation now available, and that such want of accommodation is preventing and is likely to prevent a great many female students from prosecuting their college studies?

(*c*) What steps do the Government propose to take in order to meet the difficulty as to accommodation for female college students for the ensuing sessions for University studies?

The Hon'ble Mr. P. C. MITTER: (*a*) (*i*) The amount is large, but exact figures will take a considerable time to compile.

(*ii*) The amount is negligible; but Rs. 1,75,000 was spent in 1914-15 in acquiring land for the construction of a hostel and certain other buildings for the Bethune College. The extension scheme has been and is being held up for want of funds. Considerable grants have, however, been made to aided hostels.

(*iii*) One hundred and six students can be accommodated.

(*b*) Government in the Ministry of Education are aware that there is a demand for further hostel accommodation for female college students in Calcutta. An appreciable portion of this demand is for students from outside Bengal.

(*c*) Government have decided to subsidise a scheme put forward by the authorities of the Sadharan Brahmo Samaj for providing hostel accommodation for about 35 girl students.

Grazing dues in the Western Duars Khas Mahals.

26. Mr. PRASANNA DEB RAIKAT: (*a*) Will the Hon'ble the Member in charge of the Department of Revenue (Land Revenue) be pleased to state whether it is a fact that in the Western Duars Khas Mahals there has been a large increase in the rates of the grazing dues for buffaloes and cattle?

(*b*) Is it a fact that many jotedars have on account of the above increase sold off their cattle and buffaloes or have gone over to Assam and Cooch Behar?

(*c*) Is it a fact that it has caused discontent amongst the cultivators and has been a source of great inconvenience and hardship to them?

(*d*) Will the Hon'ble the Member be pleased to state the reasons for the above increase in the grazing dues?

The Hon'ble the MAHARAJADHIRAJA BAHADUR of BURDWAN: (*a*) There has been no recent increase. Formerly the rates of grazing dues charged were annas eight per head per annum for buffalo and annas five for other cattle for permanent herds while for herds brought year after year from the neighbouring districts for a certain period only, the rates were annas six per head per annum for buffalo and annas three for other cattle. The rates for professional graziers were, however, too low. Accordingly, in 1916, the rates payable by all professional graziers—both foreign and local—were raised tentatively to the level of the rates charged by the Forest Department, viz., Rs. 12 per head per annum for buffalo and Rs. 4-8-0 for other cattle. In March, 1918, they were, however, reduced to Rs. 3 and Re. 1-2-0, respectively, in the case of local professional graziers and to Rs. 6 and Rs. 2-4-0 in the case of foreign professional graziers. The rates for buffalo and other cattle belonging to ordinary local cultivators who are not professional graziers have, however, been left unchanged and are still annas eight per head per annum for buffalo and annas five for other cattle.

(*b*) No; only the foreign graziers have migrated to Assam in the hope of finding cheaper grazing there.

(*c*) The local professional graziers naturally resented the enhancement of the rates but they had no reasonable ground for complaint inasmuch as the revised rates are only one quarter of those charged by the Forest Department for grazing in forest reserves.

(*d*) See reply to (*a*).

Building at Kanchrapara for political convicts.

27. Rai Dr. HARIDHAN DUTT Bahadur: Will the Hon'ble the Member in charge of the Department of Revenue (Jails) be pleased to state—

(*i*) how the new jail buildings specially constructed at Kanchrapara for political convicts are at present being utilised; and

(*ii*) whether he is prepared to hand them over to the Hon'ble the Minister in charge of Education to be utilized as a Reformatory School under the Bengal Children Act?

The Hon'ble Mr. H. L. STEPHENSON: (*i*) In March, 1923, orders were issued to dispose of all the structures and materials and they were sold by public auction on the 3rd instant.

(*ii*) They were unsuitable for this purpose.

Resumption of Khas Mahal lands in the Western Duars, Jalpaiguri.

28. Mr. PRASANNA DEB RAIKAT: (*a*) Will the Hon'ble the Member in charge of the Department of Revenue (Land Revenue) be pleased to state whether it is a fact that there has been in recent years an extraordinary increase in the number of resumption proceedings in the Western Duars Khas Mahal and that *jotes* are being resumed by Government on account of technical violation of the terms of the leases, e.g., delay in mutation or transfer of a portion of a *jote*?

(*b*) Is it a fact that such violations were formerly overlooked as harmless, and that the observance of these rules was never insisted upon?

(*c*) In this connection will the Hon'ble the Member be pleased to state separately the number of resumptions in the year 1921, 1922, 1923, compared with the previous three years before that?

(*d*) Is it a fact that resumed *jotes* are being settled with other people at a heavy *salami*, i.e., 25 per cent. of the market value of the land?

(*e*) Is it a fact that in recent years heavy fines are being realized from *jotedars* on account of trifling violations of the terms of the lease, e.g., delay in mutation?

(*f*) Will the Hon'ble the Member be pleased to state separately the amount of *salami* and fines realized in the said Khas Mahal in the years 1921, 1922, 1923 and also in the years 1916, 1917, 1918?

The Hon'ble the MAHARAJADHIRAJA BAHADUR of BURDWAN: (*a*) The increase in the number of resumption proceedings in the Western Duars Khas Mahal is due to the detection of numerous material breaches of the terms of the leases, and not to their mere technical violation.

(*b*) No. Violations were formerly less frequently detected.

(*c*) These statistics are not readily available.

(*d*) The resumed *jotes* are resettled with the actual occupants or with other *bona fide* cultivators eligible under the rules on payment of a *salami*. Twenty-five per cent. is the maximum rate of *salami* but each case is considered on its merits.

(*e*) No; but to keep the Tahsil records up-to-date and to ensure efficient Khas Mahal administration penalties are imposed to secure the registration of all transfers and successions enjoined by the leases.

(*f*) Amount of *salami* and fines realized—

"Salami": 1921-22—Rs. 12,025; 1922-23—Rs. 23,943.

Mutation fine: 1921-22—Rs. 9,805; 1922-23—Rs. 23,440.

Effect to the recommendations of the Bengal Retrenchment Committee.

29. Nawabzada K. M. AFZAL, Khan Bahadur: (*a*) Will the Hon'ble the Member in charge of the Department of Finance be pleased to state whether he is aware of the fact that there is a great uneasiness in the public mind regarding the recommendations of the Retrenchment Committee, specially those which relate to the abolition of posts in the several Departments?

(*b*) If so, will the Hon'ble the Member be pleased to state whether the Government are considering the desirability of making a statement at an early date as to the attitude of Government towards these recommendations?

The Hon'ble Mr. J. DONALD: (*a*) and (*b*) The Member is referred to the statement which has been circulated to all members of the Legislative Council.

Additional Professor of Midwifery of the Eden Hospital.

30. Rai Dr. HARIDHAN DUTT Bahadur: Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state—

(*i*) whether it is true that the new post created of an additional Professor of Midwifery attached to the Eden Hospital has been filled up by an I.M.S. officer;

(*ii*) whether it is true that the Resident Surgeon of the Eden Hospital who is also an I.M.S. officer is going on long leave; and

(*iii*) whether the Hon'ble the Minister will avail himself of this opportunity by appointing one Indian officer at least in this hospital?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*i*) Yes.

(*ii*) The Resident Medical Officer, Eden Hospital, viz., Captain P. F. Gow, I.M.S., has already gone on leave.

(*iii*) The post which is reserved for the I.M.S. has already been filled up by an officer of that service.

Grant to the Sherpur Municipality for constructing a school building.

31. Maulvi FAZLAL KARIM: (*a*) Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state whether it is a fact that a grant of a loan of Rs. 10,000 was sanctioned in the last Budget for the Sherpur Municipality for constructing a school building?

(*b*) Is it a fact that it was announced in the Gazette of 11th April or so that the loan was for the construction of the Municipal Office building and for excavating a tank?

(*c*) If so, which is the correct object of the loan asked for by the municipality?

(*d*) If the object of the loan was for the office building, then why was it otherwise noted in the Budget?

(*e*) Under what procedure has the Hon'ble the Minister changed the object of the grant of the loan without putting the matter before the Council for sanction in the usual way?

(*f*) Are the Government aware that the ratepayers of the Sherpur Municipality have vehemently objected to the grant of a loan for the office building?

(*g*) If so, what have the Government decided to do in the matter?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*a*), (*c*) and (*d*) In the budget for 1923-24 provision has been made for the grant of a loan of Rs. 10,000 to the Sherpur Municipality for the construction of a building for the office of the municipality and for excavating a tank. The words " school buildings " occurring in the budget are due to a clerical error.

(*b*) Yes.

(*e*) The facts of the case were clearly explained to the Legislative Council which was not misled by the error in the Financial Statement.

(*f*) Yes, some of them have.

(*g*) The loan has not yet been granted, because the financial position of the municipality is under scrutiny. Government see no reason to modify their opinion as to the justification for the loan.

Provision of increased educational institutions for the depressed classes.

32. Babu BHISHMADEV DAS: Will the Hon'ble the Minister in charge of the Department of Education be pleased to state what steps, if any, have been taken or are being taken to give effect to the resolution of

Shah, Syed Emdadul Haq regarding the provision of increased educational institutions for the depressed classes which was carried as amended by the Council in its meeting held on the 31st March, 1922?

The Hon'ble Mr. P. C. MITTER: A sum of Rs. 20,000 was allotted last year for the provision of increased educational facilities for the depressed classes and a statement showing the allotment of the grant was laid on the table in reply to question No. 33 asked at the last session of the Council.

Posts of Assistant Superintendents of Police.

33. Babu SATISH CHANDRA MUKHARJI: (*a*) Will the Hon'ble the Member in charge of the Political Department be pleased to lay on the table a statement showing—

(*i*) how many posts of Assistant Superintendents of Police have been filled up in Bengal during the last three years by recruitment from England; and

(*ii*) what is the effect of such recruitment on prospects of promotion of Deputy Superintendents and Inspectors of Police to the posts of Assistant Superintendents of Police?

(*b*) Will the Hon'ble the Member be pleased to state whether the Deputy Superintendents of Police are eligible to sit for the examination hold for recruiting Assistant Superintendents of Police?

(*c*) Will the Hon'ble the Member be pleased to state how many Deputy Superintendents and Inspectors of Police have been promoted to the posts of Assistant Superintendents of Police during the last three years?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Mr. H. L. Stephenson): (*a*) (*i*) 22.

(*ii*) No effect. Promotion of Deputy Superintendents is direct to the rank of Superintendent (or Additional Superintendent) of Police, and 11 per cent. of the superior posts on the Imperial Police cadre are reserved for this purpose.

(*b*) No.

(*c*) None, for the reasons given above.

Irregularities in the election to the Goswami-Durgapur Union.

34. Maulvi RAFI UDDIN AHMED: (*a*) Is the Hon'ble the Minister in charge of the Department of Local Self-Government aware of the irregularities in the election to the Goswami-Durgapur Union in police-station Kustia in Nadia?

(*b*) Has the Hon'ble the Minister received an application from the people of the locality about the matter?

(*c*) If so, what steps, if any, have been taken in the matter?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*a*) and (*b*) Government received a petition from some villagers alleging certain irregularities in connection with the election of members of the Union Board.

(*c*) On inquiry the allegations were found to be groundless.

Remuneration and prospects of the copyists and typists.

35. SHAH SYED EMDADUL HAQ: (*a*) Will the Hon'ble the Member in charge of the Judicial Department be pleased to state whether the resolution moved by Shah Syed Emdadul Haq regarding the remuneration and prospects of the copyists and typists has been favourably considered by the Government?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble the Member be pleased to state what has been or is being done for them?

The Hon'ble Sir ABD-UR-RAHIM: (*a*) Yes.

(*b*) It is proposed to start a Provident Fund to which Government will contribute for the benefit of typists and copyists.

Indian Medical Service Officers.

36. Rai LALIT MOHAN SINGH ROY Bahadur: (*a*) Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state the number of Indian Medical Service Officers the Government of Bengal has to provide under Devolution Rule 12 and the actual number now employed?

(*b*) How many of them are now serving in the Teaching Department?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*a*) The Secretary of State has not yet fixed the number of posts to be reserved for the Indian Medical Service. The present strength of the cadre is 56; of these 17 officers are on leave.

(*b*) Fifteen.

Concessions granted by the Eastern Bengal Railway authorities during Puja holidays.

37. Rai Dr. HARIDHAN DUTT Bahadur: (*a*) Has the attention of the Hon'ble the Minister in charge of the Department of Public Works (Railways) been drawn to the notification of the Eastern Bengal Railway authorities giving concessions during last Puja holidays only to travellers to Darjeeling and Shillong?

(*b*) Is he considering the desirability of taking timely steps to see that if any concession is at all granted it should help also the people of moderate means to enable them to attend home gatherings during the national festival time of Bengal?

Mr. C. C. DEY: (*a*) Yes.

(*b*) The Government will address the Agent about the granting of concessions for other stations on the Eastern Bengal Railway.

Earnings and expenditure of the Jessore-Jhenidah Railway.

38. Maulvi RAFI UDDIN AHMED: (*a*) Will the Hon'ble the Minister in charge of the Department of Public Works (Railways) be pleased to lay on the table a statement showing for 1921-22—

(*i*) the gross earnings of the Jessore-Jhenidah Railway from all sources; and

(*ii*) the amount of expenditure of the said Railway on the different heads?

(*b*) Will the Hon'ble the Minister be pleased to state the reason why this Railway has failed to declare any dividends since its opening?

(*c*) Will the Hon'ble the Minister be pleased to state the reason for the delay of the proposed extension of the Jessore-Jhenidah Railway to Sailkupa?

(*d*) Is the Hon'ble the Minister aware that Sailkupa is a big trading centre of Jessore and that this extension of the Railway line will be a source of profit to the Company?

Mr. C. C. DEY: (*a*) (*i*) (*ii*) This information is published in the report and statement of accounts for the year ending 31st March, 1922, a copy of which is laid on the Library table.

(*b*) This Railway is not a Government guaranteed Railway and Government is not in a position to say why a Limited Company cannot declare

dividends. A dividend of 4 per cent. per annum was declared for the half year ending 31st March, 1914.

(*c*) The Managing Agents of the Jessore-Jhenidah Railway have dropped the consideration of the project, as the District Board would not allow them to use the existing bridge on the river Navaganga.

(*d*) Yes, but in the present state of the money market, the return is not expected to be large enough, compared with that obtainable from other investments.

Technological Institution at Calcutta.

39. Rai MAHENDRA CHANDRA MITRA Bahadur: (*a*) Will the Hon'ble the Minister in charge of the Department of Agriculture and Industries be pleased to state what progress has been made in the sanctioned scheme of a Technological Institution at Calcutta, and the scope of the proposed institution?

(*b*) Will the Hon'ble the Minister be pleased to state whether there is any possibility of establishing the proposed institution in the near future?

Mr. J. T. DONOVAN: (*a*) The Calcutta Technical School is a sanctioned scheme from which it is hoped ultimately to develop a Technological Institute, but the scheme for this development has not yet been sanctioned.

The building for the Calcutta Technical School is now under construction and is expected to be completed by the end of the current financial year.

It is proposed for the present to give instruction on Mechanical and Motor engineering, Electrical engineering, and Building construction. The school will accommodate about 300 to 400 students and the building has been so designed as to carry further floors with the expansion of the school and ultimately to accommodate 1,000 students.

(*b*) It is hoped to make a start early next year, funds permitting.

Number of murder cases in the district of Burdwan.

40. Raja MANILOLL SINGH ROY: Will the Hon'ble the Member in charge of the Police Department be pleased to lay on the table a statement showing for 1922 and 1923 up to the end of June for the district of Burdwan—

(*i*) the number of cases of murder;

(*ii*) the number of lives lost in each case; and

(*iii*) the ultimate result of each case;

in continuation of the 5 years' statement given in reply to my unstarred question No. 38 of 23rd August, 1922?

The Hon'ble Mr. H. L. STEPHENSON: A statement is laid on the table.

Statement referred to in the reply to unstarred question No. 40 showing the number of murder cases in the district of Burdwan.

Year.	Total number of cases declared true.	Total number of lives lost.	Number of cases in which persons were sent up for trial.	Number of cases ending in conviction.
1922	21	25	6	Nil.
1923 up to 30th June ...	9	10	5	Nil.

Petty cases in the Calcutta Police Courts.

41. Babu JATINDRA NATH BASU: (*a*) Will the Hon'ble the Member in charge of the Judicial Department be pleased to state how many persons were sent to Jail in 1920, 1921, and 1922 from the Calcutta Police Courts in default of payment of fines in "petty cases"?

(*b*) How many were sent to jail from January, 1923, to June, 1923, in "petty cases"?

(*c*) Why is not time allowed to accused persons in "petty cases" to pay their fines, and why are they sent to jail immediately?

(*d*) Is it a fact that His Excellency the Governor and the Hon'ble Mr. Stephenson during their visit of inspection to the Presidency Jail brought this matter of short-time imprisonment to the notice of the Chief Presidency Magistrate? Has effect been given to their suggestion?

(*e*) Is it a fact that certain Honorary Magistrates convict accused persons in "petty cases" without recording the plea of the accused and their statement, if any, and also the evidence of the prosecuting officer?

(*f*) Is it a fact that Magistrates are satisfied even if a proxy comes to pay the fine on behalf of the accused, and the plea of the proxy is recorded, and order of conviction passed on him?

(*g*) Is it a fact that the prosecuting police do not hesitate to get conviction order passed on proxies?

The Hon'ble Sir ABD-UR-RAHIM: (*a*) Persons sent to jail in petty cases: 1920—2,544; 1921—3,019; 1922—3,381.

(*b*) January, 1923, to June, 1923—733.

(*c*) Time is now allowed to accused persons in most petty cases to pay their fines if they apply for it.

(*d*) Yes. A circular was issued to all District Officers, District Judges and the Chief Presidency Magistrate, Calcutta, deprecating the infliction of short terms of imprisonment.

(*e*) Plea is always recorded. Some of the Magistrates record also the statement of the accused, if any.

In cases of denial of the offence by the accused, the complainant is invariably examined, but his evidence is not recorded by some of the Magistrates.

(*f*) A plea of a proxy is not now recorded.

(*g*) Prosecuting police are not allowed to put in a proxy for the real accused.

Mining students from Bengal.

42. Rai MAHENDRA CHANDRA MITRA Bahadur: Will the Hon'ble the Minister in charge of the Department of Agriculture and Industries be pleased to state—

(*i*) the number of mining students from Bengal now attending lectures in Bengal and Bihar Centres; and

(*ii*) the amount which Government spend annually for the purpose of educating these students?

Mr. J. T. DONOVAN: (*i*) The number of mining students from Bengal attending during the session 1922-23 was 278.

(*ii*) The amount spent by Government during that session for the purpose of educating the students from Bengal was Rs. 6,052-9-0.

Pending cases in the Calcutta Police Courts.

43. Babu JATINDRA NATH BASU: (*a*) Will the Hon'ble the Member in charge of the Judicial Department be pleased to publish a statement of the fifty cases, which lasted the longest, in the Calcutta Police Courts, in 1922, giving the names of the trying Magistrates, the dates of institution of cases and the dates of their disposal, and the number of adjournments in each case?

(*b*) Is there any rule under section 21 of the Code of Criminal Procedure framed by the Chief Presidency Magistrate that generally such cases should be sent to the Honorary Magistrates as could be finished in the course of a day?

(*c*) Why is not a particular case heard day after day by the Stipendiary Magistrate until it is finished?

(*d*) How many processes were issued from the Calcutta Police Courts in 1922, and how many witnesses were examined?

(*e*) Are Haziras filed in all cases in the Calcutta Police Courts? If not, why not?

(*f*) Is it a fact that non-compoundable cases are compounded in the Calcutta Police Courts with the full concurrence of the Magistrates? What was the number of such cases in 1921 and 1922?

(*g*) In how many cases has action been taken under section 250 of the Code of Criminal Procedure and section 211 of the Indian Penal Code in the years 1920, 1921, and 1922, against persons who brought frivolous and false complaints?

(*h*) Is it a fact that the Court Inspector of the Chief Court has a say in the matter of invitation of Honorary Presidency Magistrates and suggests the names of particular Magistrates to whom the police cases should be sent?

The Hon'ble Sir ABD-UR-RAHIM: (*a*) Government consider the labour involved in the preparation of the statistics asked for will not be commensurate with their usefulness.

(*b*) There is at present no such rule.

(*c*) Cases are heard from day to day by the Stipendiary Magistrates as far as possible, but it is impossible to do so in many cases for various reasons.

(*d*) The number of processes issued in the Presidency Courts in 1922 was 67,915 and the number of witnesses examined was 20,799. The processes issued include those on accused persons and notices under sections 144, 107, 488, Criminal Procedure Code, as well as summons on witnesses.

(*e*) Haziras are not filed in all cases. They are now being demanded.

(*f*) It has been the custom in certain classes of cases, non-compoundable under the present Code, to permit a prosecution to be withdrawn on settlement out of Court; such cases are shown as discharged under section 253, Criminal Procedure Code, as the complainant did not offer any evidence. Under the revised Code most of these cases will become legally compoundable. The number of such cases cannot be given without an examination of all the records of the Courts, an examination which Government are not prepared to order.

(*g*) Under section 250, Criminal Procedure Code: 1920—nil; 1921—2; 1922—nil. Under section 211, Indian Penal Code: 1920—4; 1921—6; 1922—3.

(*h*) No.

Agricultural College or High School for graduates in Bengal.

44. Rai MAHENDRA CHANDRA MITRA Bahadur: (*a*) Is the Hon'ble the Minister in charge of the Department of Agriculture and Industries aware that the Government of Bombay have sanctioned a scheme to give practical training in Agriculture to graduates free of cost in the agricultural farms of the Presidency?

(*b*) Is it a fact that Bengal does not possess a single Agricultural College or High School for agricultural training for better class youths with University degrees?

(*c*) Will the Hon'ble the Minister be pleased to state whether the Government are considering the desirability of initiating and sanctioning a scheme of a type similar to that sanctioned n Bombay as early as possble?

(*d*) Will the Hon'ble the Minister be pleased to lay on the table a report of the progress of the experimental work undertaken in the Rangpur Agricultural farm?

(*e*) Will the Hon'ble the Minister be pleased to state the amount of expense incurred up to date for the purpose?

Mr. J. T. DONOVAN: (*a*) Yes.

(*b*) Yes.

(*c*) A complete scheme has been prepared but is held up for financial reasons. In the meantime a scheme to give practical training to six graduates in agriculture has been initiated on the Dacca farm.

(*d*) The Rai Bahadur is referred, for the information in question, to Departmental reports, also to an article in the departmental *Agricultural Journal*, now in the press, which indicate gratifying progress in the efforts of the Agricultural Department to improve the cattle of Bengal.

(*e*) Details of expense incurred are given below:—

Expenditure.

		Rs.	A.	P.
1922-23	... ...	35,868	0	0
1921-22	... ...	38,874	15	1
1920-21	... ...	53,218	10	7
1919-20	... ...	41,970	12	9
1918-19	... ...	39,461	7	3
1917-18	... ...	23,446	7	3

		Rs.	A.	P.
1917	... ...	30,855	4	6
1916	... ...	48,346	3	9
1915	... ...	57,243	0	8
1914	... ...	1,10,366	9	7
	Total ...	4,79,651	7	5

Honorary Magistrates of the Jessore district.

45. Maulvi RAFI UDDIN AHMED: (*a*) Will the Hon'ble the Member in charge of the Judicial Department be pleased to lay on the table a statement showing—

(*i*) the names of the honorary magistrates of the Jessore district; and

(*ii*) the number of times they were called upon to sit in the year 1922-23?

(*b*) Will the Hon'ble the Member be pleased to state why most of them were not called?

(*c*) Has the attention of the Hon'ble the Member been drawn to the fact that the number of Muhammadan honorary magistrates is very small though the population is very large and that suitable Muhammadan candidates are not wanting?

(*d*) Will the Hon'ble the Member be pleased to state what steps, if any, the Government propose to take to increase the number?

(*e*) Are the Government considering the desirability of asking the District Magistrates to refer to the local Muhammadan associations for Muhammadan names in selecting Muhammadan honorary magistrates?

The Hon'ble Sir ABD-UR-RAHIM: (*a*) (*i*) and (*ii*) A statement is laid on the table.

(*b*) The reason was that they lived far from headquarters and the number of cases was not large.

(*c*) In this district the number of honorary magistrates is 39, of whom 6 are Muhammadans. During the last two years there has been no occasion to increase the number of honorary magistrates.

(*d*) Action will be taken as vacancies arise.

(*e*) Government will consult Divisional Commissioners on this suggestion.

Statement referred to in the reply to unstarred question No. 45 (a), (i) and (ii).

Names of Honorary Magistrates.	Number of times they were called upon to sit in the year 1922-23.
Jessore Sadar Bench—	
1. Babu Rajani Kanta Mojumdar	43
2. ,, Karticpada Basu	146
3. Roy Brindabon Dey	54
4. Maulvi Sadaruddin Ahmad	44
5. Maulvi Abdul Latif Sardar	26
6. Babu Jahar Lal Mitra	71
7. ,, Man Sing Srimal	53
Jhenidah Independent Bench—	
1. Kumar Pannag Bhusan Dev Roy 2. Babu Jatindra Nath Moulik 3. ,, Kulada Bhushan Bhattacharji 4. ,, Gopal Chandra Chakraverty 5. ,, Suresh Chandra Buxi	Not called at all
Sailkupa Honorary Bench—	
Babu Paresh Nath Mojumdar	
Bongaon Independent Bench—	
1. Babu Panchanon Ghosh	64
2. ,, Priya Nath Chatterji	64
3. ,, Ram Ranjan Misra	...
4. ,, Sashi Bhusan Mukherji	50
5. ,, Bhudhar Chandra Pandey	...
6. ,, Ratneswar Pandey	...
7. Maulvi Matiar Rahman	...
Moheshpur Independent Bench—	
1. Babu Abinash Chandra Roy Chaudhury	12
2. Moulvi Delwar Hossain Biswas	4
3. Babu Smarajit Chandra Roy Chaudhury	13
4. Maulvi Golam Mowla Biswas	8
Kotchandpur Municipal Bench—	
1. Mr. H. C. MacLeod	13
2. Babu Rajmohan Mukherji	4
3. ,, Nani Gopal Das	15

Names of Honorary Magistrates.	Number of times they were called upon to sit in the year 1922-23.
Magura Bench—	
1. Babu Charu Chandra Sen	
2. „ Reboti Kanta Sarkar	5
3. „ Harendra Krishna Sarkar	71
4. „ Narendra Nath Chakraverty	5
5. „ Troilokya Nath Lahiri	3
6. „ Pramatha Bhusan Bose	9
7. Maulvi Mahbur Rahman	8
Narail Bench—	
1. Babu Jnanendra Chandra Das Gupta	61
2. „ Hira Lal Bhattacharji	61
3. „ Kiron Chandra Sen	1
4. „ Jogeswar Bose	3
5. „ Satis Chandra Banerji	7

Indian Seamen's Recruiting Committee.

46. Mr. KRISHNA CHANDRA RAY CHAUDHURI: (*a*) Will the Hon'ble the Member in charge of the Marine Department be pleased to state—

(*i*) what steps, if any, have been taken by the local Government with regard to the recommendation of the Indian Seamen's Recruiting Committee; and

(*ii*) what is the present extent of unemployment among Indian seamen?

(*b*) Will the Hon'ble the Member be pleased to state what has happened to the proposal of the Central Government to introduce a Trade Union Registration Bill?

MEMBER in charge of MARINE DEPARTMENT (the Hon'ble Mr. J. Donald): (*a*) (*i*) A scheme for the creation of a Seamen's Recruitment Bureau was drawn up by the Labour Intelligence Officer in November, 1922. This scheme was sent for an expression of opinion to the Bengal Chamber of Commerce and the Indian Seamen's Union, with each of which bodies there has been subsequent correspondence or informal discussion. The question has been referred to their Home owners by the local Shipping Agents, and on receipt of the final views of the Chamber of Commerce the views of Government will be submitted to the Government of India.

(*ii*) It has been estimated by the Shipping Master that approximately the following are the numbers of unemployed as far as Calcutta seamen are concerned:—

Saloon crews	...	...	1,000
Engine-room crews	...	...	3,000
Deck crews	...	...	2,000

(*b*) The intention of the Government of India regarding the proposal of that Government to introduce a Trade Union Registration Bill are not known to this Government.

(*c*) Will the Hon'ble the Member be pleased to lay on the table a statement showing—

(*i*) the number and names of Labour Unions and Associations in Bengal;

(*ii*) their approximate strength of members; and

(*iii*) their revenue and expenditure, if available?

(*c*) (*i*) to (*iii*) A statement showing the number and names of Labour Unions, the creation of which has been reported from time to time, is laid on the table. Figures showing the strength of their membership, and their revenues and expenditure, are not available.

Statement referred to in the reply to unstarred question No. 46 (c) showing the List of Labour Unions and Associations in Bengal.

1. Accounts Offices Association, Bengal, Calcutta.
2. Anjumani Khansamas (Khansamas' Union), Calcutta.
3. Assam-Bengal Railway Union, Chittagong.
4. Bangiya Sramajibi Samiti (Book-binders' Union), Calcutta.
5. Bengal-Nagpur Railway Indian Labour Union, Khargpur.
6. Bengal-Nagpur Railway Labour Union, Shalimar.
7. Bengal-Nagpur Railway Indian Labour Union, Adra.
8. Bengal-Nagpur Railway Indian Labour Union, Garden Reach.
9. Bengal Trade Unions Federation, Calcutta.
10. Cartmen and Coolies' Association, Bogra.
11. Cartmen and Transport Workers' Association, Chittagong.
12. Compounders' Association, Calcutta.
13. Calcutta Corporation Outdoor Employees' Association, Calcutta.
14. Carters' Union, Calcutta.
15. Central Uriya Labour Union, Calcutta.
16. Currency Association, Calcutta.
17. Chaumuhani Labour Union, Noakhali.
18. Customs Preventive Service Association, Calcutta.

19. East Indian Railway Labour Union, Howrah.
20. Eastern Bengal Railway Indian Employees' Association, Lalmonirhat.
21. Eastern Bengal Railway Indian Employees' Association, Saidpur.
22. Eastern Bengal Railway Indian Employees' Association, Paksey.
23. Employees' Association, Calcutta.
24. Hackney Carriage Association, Calcutta.
25. Hackney Carriage Drivers' Association, Dacca.
26. Hackney Carriage Drivers' Association, Chittagong.
27. Howrah Labour Union, Howrah.
28. Imperial Bank of India Indian Staff Association, Calcutta.
29. Indian Seamen's Union, Calcutta.
30. Indian Telegraph Association, Calcutta.
31. Inland Steamship and Flat Employees' Association, Calcutta.
32. Jamadars' Association, Calcutta.
33. Kankinara Labour Union, Kankinara.
34. Labour Association, Bengal (Stevedore Labour Union), Calcutta.
35. Linotype Workers' Association, Calcutta.
36. Marwari Trades Association, Calcutta.
37. Mason and Labour Association, Calcutta.
38. Mill Employees' Association, Calcutta.
39. Motor Drivers' Association, Calcutta.
40. Paper Mills Staff Association, Ranigunge.
41. Port Trust Employees' Association, Calcutta.
42. Posak-o-Bastra-Byabasayee Karmachari Samiti, Calcutta.
43. Press Employees' Association, Calcutta.
44. Provincial Postal and Railway Mail Service Association, Calcutta.
45. Railway Workmen's Association of India and Burma, Calcutta.
46. Railway Porters' Association, Howrah.
47. Rickshawallas' Association, Calcutta.
48. Srimajibi Sangha, Sonapur, Noakhali.
49. Tramway Employees' Union, Calcutta.
50. Transport Workers' Union, Calcutta.
51. Uriya Labour Union, Howrah.
52. Uriya Pipe-laying Mistris' Association, Calcutta.

Defalcations in the Bankshall Police Court.

47. Babu JATINDRA NATH BASU: (*a*) Will the Hon'ble the Member in charge of the Judicial Department be pleased to state for how long have defalcations been going on in the Bankshall Police Court?

(*b*) How do the Government propose to deal with the officers who could not detect the malpractices which continued for so long?

(*c*) Is it a fact that only Rs. 1,200 was fixed as security for the cashier, while money to the extent of Rs. 2,00,000 to Rs. 3,00,000 came to his hands annually?

(*d*) Why were jewellery and other valuables (exhibits in cases) kept in the custody of the cashier when the security furnished by him was so small?

(*e*) Was any security bond taken from the cashier? If not, why not?

(*f*) Under whose orders were no receipts granted to parties paying fines? Was the sanction of the High Court obtained before departing from the rules laid down in the High Court Circular Order?

(*g*) What led the Chief Presidency Magistrate to conclude that the fines shown in the unimportant Case Registers were correctly entered? Were the final orders attested by the trying Magistrates?

(*h*) Did the Magistrate who ordered confiscation of the money in Beatty's gambling case take the usual receipt from the cashier for the money and file it with the record? If not, why not?

(*i*) Are the strong rooms of the Police Courts kept under guard at night?

(*j*) Why was the strong room not locked with double locks as in the Treasury?

The Hon'ble Sir ABD-UR-RAHIM: (*a*) to (*j*) The inquiry into the defalcations is not complete nor orders passed. Government cannot prejudge matters by replying to these questions but will be prepared to make a statement as soon as the matter which is still *sub judice* is decided.

Audited accounts of certain subsidised societies.

48. Rai Dr. HARIDHAN DUTT Bahadur: Will the Hon'ble the Minister in charge of the Department of Education be pleased to lay on the Library table the audited accounts for the year 1922-23 of the following subsidised societies, together with the copies of their budget estimates for 1923-24—

(*i*) the Working Men's Institution;

(*ii*) the Social Service League;

(*iii*) the Nari Sikhya Samiti;

(*iv*) the Students' Welfare Committee; and

(*v*) the Barendra Research Society?

The Hon'ble Mr. P. C. MITTER: Neither the audited accounts of the societies nor their budgets are submitted to Government.

No grant was actually paid to (*ii*) and (*iv*). The Department proposes to write to (*i*), (*iii*) and (*v*) for their audited accounts and budget estimates.

Strikes in Bengal.

49. Mr. KRISHNA CHANDRA RAY CHAUDHURI: Will the Hon'ble the Member in charge of the Department of Finance be pleased to lay on the table a statement, for the financial year ending the 31st March, 1923, showing—

(*i*) the number of strikes in Bengal;

(*ii*) the number of employees affected in each case;

(*iii*) the number of days lost; and

(*iv*) the ultimate results?

The Hon'ble Mr. J. DONALD: A statement is laid on the table.

Statement referred to in the reply to unstarred question No. 49 showing strikes in Bengal for the year ending the 31st March, 1923.

The approximate number of strikes in Bengal from April, 1922, to March, 1923, was 86. This figure includes four strikes which were carried over from February and March, 1922, and also two strikes which started in March, 1923, and continued into April, 1923.

It is impossible to give the exact figures of the employees affected in each case or of the number of days lost. In several cases the strikes affected only a part of the total number of employees; in others, sections of the employees went out on different days or at different periods of the same day. In many strikes the return to work was gradual, and in some cases there was more than one strike of sections of the workmen before the full normal working of the concern was resumed. During the year also several concerns were on strike more than once. Roughly it has been estimated that about 172,000 employees were affected during the year. This figure includes the total of employees affected in each strike irrespective of whether they were on strike more than once during the year. As regards the economic loss caused by these 86 strikes, it is calculated that the approximate aggregate duration in working days was 1,722,000 exclusive of the periods, in the six cases mentioned above, before April, 1922, and after March, 1923. The unit of loss in working days in this calculation is one day for each worker affected, i.e., the total number of days lost is equal to the total number of persons affected multiplied by the number of days on strike.

Of the 86 strikes the results in 11 cases were indefinite in that they ended in the resumption of work with the concessions promised in part or deferred for consideration, but not finally settled. Of the rest, 11 strikes were successful in that the demands were conceded in full, 11 were partially successful, and 53 were entirely unsuccessful.

Students' Welfare Committee.

50. Mr. S. M. BOSE: (*a*) Is the Hon'ble the Minister in charge of the Department of Education aware of the good work done by the Students' Welfare Committee of the Calcutta University?

(*b*) Will the Hon'ble the Minister be pleased to state whether the grant of Rs. 4,000 passed by the Council in July, 1922, was paid to the above Committee?

(*c*) If not, will the Hon'ble the Minister be pleased to state whether Government are considering the claims of the above Committee for support from the Government?

The Hon'ble Mr. P. C. MITTER: (*a*) Yes.

(*b*) The grant could not be made as a general retrenchment in expenditure had to be made last year.

(*c*) The claims of the Committee will be considered when the financial condition improves.

Dow Hill and Victoria Schools at Kurseong.

51. Mr. H. BARTON: (*a*) Will the Hon'ble the Member in charge of the Department of European Education be pleased to state how many Anglo-Indians or Domiciled Europeans are employed on the teaching staffs of the Dow Hill and Victoria Schools at Kurseong and in what capacity?

(*b*) What is the respective number of European and Anglo-Indian children in these institutions?

(*c*) Do the Government accept the view of the Bengal Retrenchment Committee that these institutions were established solely for the education of the children of European officers recruited for work in India?

(*d*) Do the Government intend to give effect to the recommendations of the Bengal Retrenchment Committee debarring Anglo-Indian and Domiciled European children from admission to these institutions?

MEMBER in charge of DEPARTMENT of EUROPEAN EDUCATION (the Hon'ble the Maharajadhiraja Bahadur of Burdwan): (*a*) Neither the Headmaster of the Victoria School nor the Headmistress of the Dow Hill School are members of the Anglo-Indian or Domiciled European Communities. The Victoria and Dow Hill Schools employ, respectively, 11 and 15 assistant teachers; of these, 7 and 9, respectively, come from the Domiciled European and Anglo-Indian Communities.

(*b*) It was estimated in November last that out of 187 boys then in the Victoria School 108 were Anglo-Indians, while of 170 girls then in the Dow Hill School 67 were Anglo-Indians.

(*c*) No.

(*d*) No.

Opening of a railway bridge at Chuadanga on the Nabaganga.

52. Maulvi RAFI UDDIN AHMED: (*a*) Is the Hon'ble the Minister in charge of the Department of Local Self-Government aware that the railway line at Chuadanga on the Nabaganga has blocked the mouth of the river Nabaganga and is responsible for the stagnancy of the water?

(*b*) Are the Government considering the desirability of taking steps to drive away malaria from the subdivision by opening a Railway bridge at Chuadanga on the Nabaganga?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*a*) and (*b*) Government are not in a position to state categorically whether the Railway line at Chuadanga on the Nabaganga has blocked the mouth of the original river —which is presumably referred to—or not. There are no data in the shape of records to justify a finding on this point, but it may be mentioned that the Nabaganga is not shown as a river on any of the survey maps; it is only a khal or the bed of an old river which is now dead. The Railway embankment was constructed some time before November, 1862, and the waterway then provided is still considered sufficient by the Railway authorities. The villagers state that the Nabaganga was at one time of considerable size, and they are of opinion that the decay of the river is responsible for the prevalence of malaria, but as already stated the old survey maps do not show that the Nabaganga was formerly of any importance. The views of the Agent, Eastern Bengal Railway, have been obtained, and a copy of his letter is laid on the Library table. In view of the above facts Government are not in a position to press the Railway authorities to provide more waterway.

Right of the members of local bodies to inspect their office records.

53. SHAH SYED EMDADUL HAQ: (*a*) Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state whether the members of local bodies have the right to inspect the office records of their respective local bodies?

(*b*) If the answer to (*a*) is in the negative, why and under what law or rule are they so debarred?

(*c*) Will the Hon'ble the Minister be pleased to state whether a Chairman, or a Vice-Chairman, or a President, or a Vice-President of a local body is empowered to refuse any member of such a body access to office records when such member has expressed a desire to consult them in the interests of his constituency or to discharge his duties as a member of that body?

(*d*) Have the office bearers of any local body any superior rights or powers over the members of such a body in regard to such records?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*a*) and (*b*) A member of a local body as such has no general right of inspection, but in England he is held to enjoy the privilege of inspection of a document connected with a local body's work where he exercises such a right for *bona fide* purposes. In the absence of statutory law on the point, this principle will doubtless be held to apply in Bengal.

(*c*) A Chairman appears to have power to refuse inspection, but should not refuse unless there is reason to believe that the application of the member is not *bona fide*, or if granted would be prejudicial to the public interests.

(*d*) The Chairman and Vice-Chairman stand on a different footing, since both may require to examine records in discharging the duties of their posts.

Destruction of the image of Kali by Muhammadans in the Rangpur district.

54. Rai Sahib PANCHANAN BARMA: (*a*) Is the Hon'ble the Member in charge of the Political Department aware that in some village, within the jurisdiction of the police-station Kotwali in the district of Rangpur on or about the 12th June, 1923, some Muhammadans broke down the image of Kali and destroyed all arrangements on the eve of the Puja?

(*b*) If not, are the Government considering the desirability of making an inquiry into the matter?

(*c*) If the Goverment are aware of the fact, will the Hon'ble the Member be pleased to state—

(*i*) what steps they are taking to bring the offenders to book, and

(*ii*) to allay the feeling of insecurity engendered by this incident?

(*d*) What steps do the Government intend to take to prevent the recurrence of similar occurrences in future?

The Hon'ble Mr. H. L. STEPHENSON: (*a*) to (*d*) Government have no information on the subject, but if the name of the village at which the incident is alleged to have happened can be given an inquiry will be made.

Nurses' Registration Act.

55. Mr. H. BARTON: (*a*) Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state whether he is aware that for want of a Nurses' Registration Act in India the General Nursing Council for England and Wales refuse to recognise qualified nurses trained in India or to allow them to practise their profession in the United Kingdom?

(*b*) Is the Hon'ble the Minister aware that the attitude of the Government of India is that this question is one for the Provincial Governments?

(*c*) Are the Local Government considering the advisability of passing such an Act at an early date?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*a*) Yes.

(*b*) Government have no information.

(*c*) Government have recently made a reference in the matter to the Government of India. It is proposed to invite the General Nursing Councils of the United Kingdom to consider the question.

Namasudra Schools in Faridpur.

56. Babu BHISHMADEV DAS: (*a*) Will the Hon'ble the Minister in charge of the Department of Education be pleased to state—

(*i*) whether he has received any report about Namasudra schools in Faridpur;

(*ii*) what steps will be taken to improve their condition; and

(*iii*) whether the Amirabad primary school actually receives any grant?

(*b*) Will the Hon'ble the Minister be pleased to state whether the Government are considering the desirability of issuing orders to increase or sanction grants for schools managed mainly by the depressed classes?

The Hon'ble Mr. P. C. MITTER: (*a*) (*i*) A report on the Namasudra schools in Faridpur was obtained for the Council in September last. No further report has since been received.

(*ii*) No immediate steps can be taken owing to financial stringency.

(*iii*) The Amirabad primary school receives a grant of Re. 1-8-0 a month.

(*b*) A total of Rs. 6,250 has this year been placed in the hands of the Secretary for the improvement of education among the backward classes in Bengal.

Acquisition of land for the Ghosalpara Road at Madrail.

57. Rai HARENDRANATH CHAUDHURI: (*a*) Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state whether it is a fact that a declaration was made early in last September for the acquisition of some lands for the improvement of the Ghosalpara Road at Madrail in the subdivision of Barrackpore?

(*b*) If so, will the Hon'ble the Minister be pleased to state why the improvements have not been effected as yet?

(*c*) Is the Hon'ble the Minister considering the desirability of calling the attention of the District Board to the necessity of carrying out the improvements without further delay in view of the approaching wet season?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*a*) Yes.

(*b*) and (*c*) Government received certain petitions protesting against the acquisition of the lands in question. These petitions have been forwarded to the Commissioner, Presidency Division, for report and Government are awaiting that report.

Members of the subordinate engineering staff.

58. Mr. SYED ERFAN ALI: (*a*) Is the Hon'ble the Minister in charge of the Department of Local Self-Government aware that his circular letter No. 1985, dated the 6th April, 1921, addressed to the District Boards has been hailed with satisfaction by District Engineers?

(*b*) Is it the intention of the Hon'ble the Minister also to draw attention to the case of the members of the subordinate engineering staff serving in the District Boards?

(*c*) Is the Hon'ble the Minister considering the desirability of taking any further action in the interests of both District Engineers and members of their subordinate engineering staff?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*a*) The Minister has no information on the subject.

(*b*) Rule 7 of Part IX of Rules under the Local Self-Government Act, which implied Government control on the pay of the subordinate engineering staff of District Boards, has already been amended by notication No. 497T-L.S.G., dated the 23rd October, 1922, and the question of adequacy of their pay is now left entirely to the discretion of District Boards.

(*c*) The answer is in the negative. A reference is invited to the reply given to Maulvi Rafi Uddin Ahmed's unstarred question No. 418 (*e*) and (*f*) on the 27th February, 1923.

Slaughter of cattle in the Municipal and Cantonment Slaughter Houses.

59. Babu AMULYA DHONE ADDY: (*a*) Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state what class of cattle are generally slaughtered in the Municipal and Cantonment Slaughter Houses within the jurisdiction of this Government?

(*b*) Will the Hon'ble the Minister be pleased to lay on the table a statement showing for the last three years—

(*i*) the total number of cattle slaughtered in the different Municipalities and Cantonments within their jurisdiction; and

(*ii*) the total number of prime cattle, agricultural cattle and milch-cattle slaughtered in the Municipal and Cantonment Slaughter Houses?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*a*) and (*b*) A reference is invited to the reply given to Babu Amulya Dhone Addy's unstarred question No. 2 on the 17th January, 1922.

(*i*) The statement which was then laid on the table involved great labour in its compilation and gives substantially the information now desired. The Minister for Local Self-Government is of opinion that the compilation of further elaborate statistics of this kind would not be justified.

(*ii*) The following information is, however, given in respect of Cantonments. There are nine Cantonments in this Presidency, viz., Fort William, Alipore, Barrackpore, Dum Dum, Buxa Duar, Dacca, Darjeeling, Lebong and Takdah. There are no slaughter houses at Buxa and Dacca while no cattle are slaughtered in the military areas of Fort William and Alipore and very few cattle are slaughtered at Takdah which is meant for Gurkhas only. Elsewhere, sheep, goats, cows, calves, bullocks, and buffaloes which are old and have no other utility are generally slaughtered. The total number of cattle slaughtered during the last three years was as follows:—

	1920-21	1921-22	1922-23
Lebong and Jalapahar ...	1,200	1,206	1,203
Dum Dum ...	3,269	3,029	2,680

Separate figures for each class of cattle are not available, nor are the statistics for the Barrackpore Cantonment, as the slaughter house there is leased out to a contractor who keeps no accounts.

Babu AMULYA DHONE ADDY: May I ask as to whether the Minister in charge will be kind enough to prepare a statement showing at least the number of prime cows slaughtered in several parts of Bengal?

The Hon'ble Sir SURENDRA NATH BANERJEA: We cannot do it.

Babu AMULYA DHONE ADDY: May I ask why?

The Hon'ble Sir SURENDRA NATH BANERJEA: Because we cannot.

Scale of pay of the engineering staff.

60. Mr. SYED ERFAN ALI: (*a*) Is the Hon'ble the Minister in charge of the Department of Local Self-Government aware that there is at present a feeling of dissatisfaction and discontent existing in the minds of District Engineers and the members of their engineering staff owing to the fact that the scale of their pay and their position and prospects have not generally been improved since 1901?

(*b*) What steps does he propose to take in consultation with District Boards to remedy the present situation?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*a*) The Minister has received representations from the District Engineers' Association complaining that their pay and prospects are inadequate.

(*b*) The Minister has already drawn the attention of District Boards to this matter. The scales of salary are fixed under the Act by the District Boards, subject in certain cases to the approval of the Commissioner. The Minister does not propose to move further in the matter.

Kala-azar in the Baraset subdivision.

61. Rai HARENDRANATH CHAUDHURI: (*a*) Is the Hon'ble the Minister in charge of the Department of Local Self-Government aware that for some months past a dispensary for the treatment of kala-azar has been started at Dogachea by Dr. N. Bhattacharjya?

(*b*) Is the Hon'ble the Minister aware that within three months of its commencement the number of patients rose to 550?

(*c*) Will the Hon'ble the Minister be pleased to state why no such information regarding the prevalence of kala-azar in the Habra thana of the Baraset subdivision could be given in answer to my unstarred question No. 2 of the meeting of the 23rd August, 1922?

(*d*) Since when have the Government come to know as stated in the fifty-fourth annual report of the Director of Public Health " that here and there nests of intense infection are present as for example in parts of 24-Parganas, etc " and that " such foci are reported to be extremely numerous near Baraset "?

(*e*) Has the attention of the Hon'ble the Minister been drawn to the following statement of Dr. Muir that " doubtless similar dispensaries (to that started by Dr. Bhattacharjya at Dogachea) situated at other centres would attract equal number of patients. The whole country is endemic for kala-azar, and we are inclined to think that Baraset, if any, is but little more affected than other subdivisions "?

(*f*) Will the Hon'ble the Minister be pleased to state what steps the Government propose to take to start or subsidize the organization of dispensaries for the treatment of kala-azar in the affected parts of Baraset and other subdivisions of the district of 24-Parganas?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*a*) Yes.

(*b*) Yes.

(*c*) Very little detailed information regarding the general incidence of kala-azar in the 24-Parganas was available when the former question was asked. The District Board of the 24-Parganas did not possess a Health Officer until August, 1920, and the Government investigation into the prevalence of kala-azar in Eastern Bengal which had been started some three years back had not at this time reached the 24-Parganas. The course of the main inquiry was interrupted by deputing an officer to investigate the condition of any particular locality only when the Director of Public Health obtained information which showed the need of immediate inquiry in that locality. Thus a local investigation was made in the case of Bahera village in response to a special request, and the results of the inquiry were stated in answer to the previous question referred to. It was not practicable at that time to make a kala-azar survey for Habra thana and the information asked for in that question was not available.

(*d*) to (*f*) The information on which the statements referred to in (*d*) were based was obtained subsequently to the investigation made at Bahera. Dr. Muir's letter to the press has been brought to the attention of Government. The Department of Public Health have carried out a kala-azar survey in over 3,000 villages and on the results obtained, Dr. Bentley was justified in holding that the incidence of the disease was not severe, although in certain areas he found very intense infection. Dr Napier and Dr. Muir of the School of Tropical Medicine assisted by

certain independent practitioners believe the general incidence of infection to be greater than Government had supposed. It would obviously be unwise to dogmatize on a matter of such importance without possessing the fullest materials and information, and Government are of the opinion that investigation must be much extended to ascertain the true facts. The position is receiving careful attention and the Minister for Local Self-Government hopes to obtain funds to push on more rapidly with the kala-azar survey which has recently been resumed, and with the assistance of local bodies, to provide treatment centres throughout Bengal. Government understand that in the meantime the 24-Parganas District Board is considering the question of opening numerous branches for the treatment of kala-azar.

Annual road and public works cesses assessed on revenue-free estates in Bengal.

62. Babu NALINI NATH ROY: Will the Hon'ble the Member in charge of the Department of Revenue (Land Revenue) be pleased to state—

(*i*) the total amount of annual road and public works cesses assessed on all the revenue-free estates of the province of Bengal;

(*ii*) the total amount of road and public works cesses assessed on all the revenue-free estates the amount of each of whose annual assessment is Rs. 5 and under;

(*iii*) the total amount of road and public works cess assessed on all revenue-free estates the amount of each of whose annual assessment is Re. 1 and under;

(*iv*) the total number of revenue-free estates in the province;

(*v*) the total number of revenue-free estates the annual assessment of cesses in each of which is Rs. 5 and under; and

(*vi*) the total number of revenue-free estates the annual assessment of cesses in each of which is Re. 1 and under?

The Hon'ble the MAHARAJADHIRAJA BAHADUR of BURDWAN: (*i*) and (*iv*) The current demand of road and public works cesses on revenue-free estates as shown in Appendix XXVII of the Land Revenue Administration Report for the year 1921-22 is Rs. 2,53,243 and the total number of revenue-free estates is 30,806.

(*ii*), (*iii*), (*v*) and (*vi*) The information required would have to be collected from registers in Collectorates. Government do not consider that the result would be commensurate with the time and labour involved in collecting the information.

New Howrah Bridge.

63. Mr. J. CAMPBELL FORRESTER: (*a*) Will the Hon'ble the Member in charge of the Marine Department be pleased to make a full statement as to the erection of the new Howrah Bridge?

(*b*) Have the Government estimated when the actual work of erecting the bridge will be taken in hand?

(*c*) Are they aware of the great necessity that exists for expediting the construction of the new bridge?

The Hon'ble Mr. J. DONALD: (*a*) The member is referred to the Government Resolution of the 21st July, 1923, and the report of the Howrah Bridge (Finance) Committee appended thereto which were published in the *Supplement to the Calcutta Gazette* of the 25th idem.

(*b*) It is not possible at present to give an estimate of the date.

(*c*) Yes; the Government are taking all possible measures to expedite the construction of the bridge.

Average annual expenditure for students and patients in the Calcutta Medical College and in the Carmichael Medical College.

64. Mr. AJOY CHUNDER DUTT: (*a*) Has the attention of the Hon'ble the Minister in charge of the Department of Local Self-Government been drawn to the annual report issued by the Carmichael Medical College showing that the average annual expense incurred by Government for a student in the Calcutta Medical College amounts to Rs. 591 per annum whereas the corresponding charge in the Carmichael Medical College is only Rs. 200?

(*b*) Will the Hon'ble the Minister be pleased to state what steps, if any, he is taking in order to reduce the expenditure in the Calcutta Medical College?

(*c*) Has the attention of the Hon'ble the Minister been also drawn to the annual report of the Carmichael College Hospitals showing that the average cost of a patient in the Calcutta Medical College Hospitals is Rs. 1,200 per annum whereas the corresponding cost for a patient in the Carmichael Medical College Hospitals is Rs. 598 only?

(*d*) Will the Hon'ble the Minister be pleased to state what steps he is taking in order to reduce the expenditure in the Calcutta Medical College Hospitals?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*a*) Yes.

(*b*) The accompanying statement I of expenditure of the two Medical Colleges will show why the average cost for training a student at the

Calcutta Medical College far exceeds that at the Belgachia College. The professors at the Carmichael Medical College are mostly honorary and the number of scholarships there is very small. It is not possible to run the Calcutta Medical College with honorary professors, and therefore there is no prospect of the average cost per student being lowered to the level of the Belgachia Medical College.

(*c*) Yes. The figure for the Carmichael Medical College, however, requires correction.

It is Rs. 713 and not Rs. 598 as stated in the question.

(*d*) It will be seen from the annexed statement II of expenditure of the Medical College Hospitals and Carmichael Medical College Hospitals that the Medical Officers and nurses at Belgachia draw much less pay and are fewer in number. The Medical College Hospitals cannot be run with the present efficiency if the expenditure is much reduced, but as a result of special audit Government anticipate a saving of about Rs. 80,000 in the contingent expenditure of the Medical College Hospitals.

Statement referred to in the reply to unstarred question No. 64 (b).

STATEMENT I.

COLLEGES.

	Medical College, Calcutta.	Belgachia Medical College.
	Rs.	Rs.
Establishment	39,570	9,368
Scholarships	35,932	3,319
Prizes	740	349
Rent, rates and taxes	52,998	2,039
Buildings	Nil	3,654
Contingencies	3,490	...
Miscellaneous	55,268	4,700
Salaries of Professors and Demonstrators ...	4,32,155	53,931
Gas and Electric	...	20,486
Printing and Stationery	...	
Advertisement	...	
Postage and Telegrams	...	
Hostels and Mess charges	...	
Sports	...	
Caution deposit (refunds)	...	120
Laboratory charges	...	10,951
TOTAL ...	6,20,153	1,08,917
Daily average of student (male) ...	1,150·00	544·00
Average annual cost per student ...	Rs. 591 approximately	Rs. 200

Statement referred to in the reply to unstarred question No. 64 (d).

STATEMENT II.

COLLEGE—HOSPITALS.

	Medical College Hospitals, Calcutta.	Belgachia Medical College Hospital.
	Rs.	Rs.
Salaries of medical officers	1,00,820	21,370
,, nurses	1,75,762	8,978
,, inferior servants	79,777	14,533
European medicine	51,223	36,091
Bazar ,, ...	...	...
Diet	1,46,037	14,069
Miscellaneous charges	1,83,558	25,601
Buildings or repairs	7,58,071	85,649
Investments	1,000	7,350
TOTAL EXPENDITURE ...	14,96,248	2,13,641

Deduct expenditure on—

	Rs.	Rs.	Rs.	Rs.
(1) Building	7,58,071	7,59,071	85,649	92,999
(2) Investment ..	1,000		7,350	
	7,37,177		1,20,642	
Daily average strength of patients ...	602·75		169·27	
Average annual cost per patient ...	Rs. 1,200 approximately		Rs. 713	

Indianisation of the Services.

65. Mr. H. BARTON: (*a*) Will the Hon'ble the Member in charge of the Appointment Department be pleased to state whether the

Government of Bengal is applying the policy of "Indianisation of the Services" in respect of appointments to the Bengal Provincial Services?

(*b*) If so, in what sense is the term "Indianisation" being applied as touching the appointments of Anglo-Indians and Domiciled Europeans to such services?

MEMBER in charge of APPOINTMENT DEPARTMENT (the Hon'ble Mr. H. L. Stephenson): (*a*) Recruitment to the Bengal Provincial Services is ordinarily confined to natives of India, i.e., persons born and domiciled within the dominions of His Majesty in India of parents habitually resident in India, and not established there for temporary purposes only. There is therefore no necessity to apply any further policy of Indianisation in respect of these Services.

(*b*) Does not arise.

Mortality in the Pabna district.

66. SHAH SYED EMDADUL HAQ: (*a*) Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state how many persons died of malaria, cholera and small-pox in the Pabna district during the last three years?

(*b*) Have any anti-malarial steps been taken in that district?

(*c*) If so, what steps?

(*d*) If not, do the Government propose to take any steps?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*a*) The following table shows the mortality from fever, cholera and small-pox in the district of Pabna during the 3 years ending 1921:—

	Fever.	Cholera.	Small-pox.
1919 ...	42,196	4,370	177
1920 ...	36,887	1,893	70
1921 ...	35,963	4,410	44

Deaths from malaria are not separately shown, but are classed under mortality from fever.

(*b*) No.

(*c*) The question does not arise.

(*d*) Government are not in a position immediately to initiate any anti-malarial measures in Pabna. Government are now carefully considering their general policy in respect of malaria.

Accounts of the Medical College Hospital.

67. Babu RISHINDRA NATH SARKAR: (*a*) Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state whether the accounts of the Medical College Hospital have been audited?

(*b*) If so, will the Hon'ble the Minister be pleased to place the audit report on the Library table?

The Hon'ble Sir SURENDRANATH BANERJEA: (*a*) The audit has not yet been completed.

(*b*) A copy of the preliminary report submitted by the Accountant-General, Bengal, is laid on the Library table.

Manufacture of salt for home consumption.

68. Rai HARENDRANATH CHAUDHURI: (*a*) Will the Hon'ble the Member in charge of the Department of Finance be pleased to state whether it is a fact that people of Bhola subdivision and of Bhabanigunj in the Noakhali district and other seaside places and islands, such as Hatia and Sandwip, in the Chittagong Division, have not only openly manufactured salt for their own consumption but have been selling it in the open market from time immemorial with the full knowledge of the authorities?

(*b*) Will the Hon'ble the Member be pleased to state, district by district, the number of prosecutions for unauthorised preparation of salt that have occurred during the last three years?

(*c*) Are the Government considering the desirability of reconsidering their reply to my unstarred question No. 152 of the meeting of the 26th January, 1923?

The Hon'ble Mr. J. DONALD: (*a*) It is not a fact that salt has been openly manufactured for sale with the knowledge of the authorities, or for consumption save during the period from 11th December, 1917, to 30th September, 1921, when manufacture for private consumption on a small scale was allowed by executive instruction.

(*b*) The following statement gives the information required:—

Names of Districts.	Number of cases sent for trial during 1922-23.	1921-22.	1920-21.
24-Parganas ...	248	256	...
Midnapore ...	39	8	5
Howrah ...	25	18	...
Chittagong ...	27	10	...
Total	339	292	5

The increase after 1920-21 was due to the withdrawal of the executive instruction referred to in the reply to question (*a*).

(*c*) The answer is in the negative.

New appointments in the Calcutta Medical College.

89. Dr. JATINDRA NATH MOITRA: (*a*) Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state whether it is true that some new appointments are about to be created in the Medical College?

(*b*) If so, what are those posts, and what will be the probable cost, both capital and recurring?

(*c*) Will the Hon'ble the Minister be pleased to state whether he has considered the desirability or possibility of filling up these posts by appointing honorary medical men?

(*d*) If it is desirable that these posts should not be made honorary, will the Hon'ble the Minister be pleased to state whether these posts will be openly advertised and the best available men appointed by a Selection Board as in the case of the posts in the School of Tropical Medicine?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*a*) to (*d*) Three new appointments have recently been created in connection with the Medical College Hospitals, viz,—

(*1*) Rai Bahadur Dr. U. N. Brahmachari and (*2*) Dr. K. K. Chatterji, Additional Physicians and Surgeons; (*3*) Dr. Judah, Specialist in Ear, Throat and Nose Diseases.

Dr. Judah receives a fee of Rs. 100 per mensem. Dr. Brahmachari and Dr. K. K. Chatterji will receive the pay they drew as Lecturers at the Campbell Medical School and Hospital. As officers will be borrowed from the Surgeon-General's leave reserve for two years to fill up the two places in the cadre of Assistant Surgeons caused by the promotion of Dr. Brahmachari and Dr. Chaterji, no additional charge during these two years will be incurred on account of the pay of these officers. The two

Assistant Surgeons who succeeded them as Lecturers, will be entitled to the ordinary teaching allowance of Rs. 150 in each case, and this will be an additional charge to Government. The total annual cost of the new appointments for the next two years will thus be Rs. 4,800 per annum.

The question of appointing independent practitioners to staff posts at the Medical College is one of considerable difficulty, and the claims of the Bengal Medical Services for appointment to posts not specifically reserved for the I. M. S. cannot be overlooked.

Dr. Judah is an independent practitioner and the monthly fee which he has to receive is rather of the nature of an honorarium than salary for his responsible duties. It was considered essential to increase the staff of the Medical College Hospitals, and in particular, it was desired to improve the clinical teaching in connection with the special diseases with which Dr. Judah is concerned.

As Dr. Brahmachari and Dr. Chatterji who are Government officers were specially selected as representatives of the Bengal Medical Services and by virtue of their own attainments for two of the appointments recently made, it was unnecessary to advertise the posts, while Dr. Judah's qualifications and experience singled him out as specially suited for the post to which he has been appointed.

Class for training nurses in Mymensingh.

70. Mr. S. M. BOSE: (*a*) Is the Hon'ble the Minister in charge of the Department of Local Self-Government aware that a small class for training nurses has been started with three pupils under the supervision of the Matron in the S. K. Hospital, Mymensingh?

(*b*) Is the Hon'ble the Minister aware that the nursing class has been recognised by the State Medical Faculty and is meeting a great public demand?

(*c*) Is the Hon'ble the Minister aware that having regard to the demand for nurses, the Hospital Committee have resolved to take in three more nurses and are appealing for funds to enable them to do so?

(*d*) Is it a fact that up to now the Government have not made any contribution for the nursing class?

(*e*) Are the Government considering the desirability of making a contribution towards the extra cost of training additional nurses, estimated at Rs. 66 per month?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*a*) Yes.

(*b*) Yes.

(*c*) It is reported that the Hospital Committee intend to take in two more nurses, but Government have no information that they have issued any appeal for funds.

(*d*) Yes.

(*e*) The answer is in the negative.

Calcutta University affairs.

71. Rai HARENDRANATH CHAUDHURI: (*a*) Was the Hon'ble the Minister in charge of the Department of Education aware of the attitude of the Senate of the Calcutta University regarding the proposed University Bill before the 24th March, 1923? If not, when was he aware of it?

(*b*) Was the Vice-Chancellorship offered to Mr. Bhupendra Nath Basu after definitely ascertaining his attitude towards the Government Bill or with any definite understanding as to his attitude towards the reform proposals of the Government?

(*c*) If not, why not?

The Hon'ble Mr. P. C. MITTER: (*a*) The Minister did not know officially the views of the Senate on the provisions of the proposed University Bill until he received some time in April a copy of the confidential report of the Senate Committee on the subject.

(*b*) No attempt was made to ascertain Mr. Basu's attitude towards the Government Bill with a view to his appointment nor was any understanding definite or otherwise arrived at with him as to the attitude he should take up towards the reform proposals of Government.

(*c*) The question does not arise.

Operations without chloroform at the Calcutta Medical College.

72. Mr. BIJOYPROSAD SINGH ROY: (*a*) Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state whether it is a fact that the outdoor patients at the Calcutta Medical College Hospital have to undergo operations without chloroform and that the system is an innovation?

(*b*) If the answer to (*a*) is in the affirmative, what are the reasons?

(*c*) Will the Hon'ble the Minister be pleased to lay on the table a list of the operations in which chloroform is not used?

(*d*) Will the Hon'ble the Minister be pleased to state whether the removal of bubo is one of these operations?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*a*) to (*c*) Abscesses and suppurative buboes are opened without chloroform being administered. Simple fractures are also set without an anæsthetic. There has been no change in past practice.

(*d*) No.

Canalisation of the Tolly's Nullah.

73. Babu AMULYA DHONE ADDY: (*a*) Will the Hon'ble the Member in charge of the Department of Irrigation be pleased to state what steps, if any, have been taken for the canalisation or removal of silt from the bed of the Tolly's Nullah during the last twenty years?

(*b*) Will the Hon'ble the Member be pleased to state the respective amounts of revenue raised by tolls on goods passing on the Tolly's Nullah in 1885, 1900, 1905, 1910, 1915 and 1920?

The Hon'ble the MAHARAJADHIRAJA BAHADUR of BURDWAN: The information asked for is being collected and will be furnished to the member later.

" Bulli Beel " project.

74. Rai HARENDRANATH CHAUDHURI: (*a*) Will the Hon'ble the Member in charge of the Department of Irrigation be pleased to state whether it is in the contemplation of the Government to provide for the cost of the *Bulli Beel* project in the next budget?

(*b*) If not, why not?

The Hon'ble the MAHARAJADHIRAJA BAHADUR of BURDWAN: (*a*) The answer is in the negative.

(*b*) The project is not yet ready.

" Rankini Mahula " and " Bachurdaha Khal " projects.

75. Mr. BIJOYPROSAD SINGH ROY: (*a*) Will the Hon'ble the Member in charge of the Department of Irrigation be pleased to state what steps, if any, have been taken in connection with—

(*i*) the *Rankini Mahula;* and

(*ii*) the *Bachurdaha Khal*

projects since 1919?

(*b*) Will the Hon'ble the Member be pleased to state what amount, if any, has been spent in each case other than on surveying and other similar work?

The Hon'ble the MAHARAJADHIRAJA BAHADUR of BURDWAN: The information asked for is being collected and will be furnished to the member later.

Improvement of the condition of the river Bhagirathi.

76. Babu SURENDRA NARAYAN SINHA: (*a*) Will the Hon'ble the Member in charge of the Department of Irrigation be pleased to state whether any scheme has been prepared and examined with a view to its being given effect to, to improve the moribund condition of the river Bhagirathi, as a result of the observations taken every year at enormous costs?

(*b*) If so, when is the scheme likely to be taken up?

(*c*) Is it a fact that the Executive Engineer, Nadia Rivers Division, has asked the raiyats concerned this year for a deposit of Rs. 20 only for putting up a bund at mile 53 which they set up temporarily every year for the protection of their *aus* crops against the spill water of the Bhagirathi flood?

(*d*) Is it a fact that the demand of the deposit made by the Executive Engineer and the departure from a long established practice have created a feeling of resentment amongst the raiyats, and that police help had to be taken through the Subdivisional Officer, Lalbagh, apprehending a breach of the peace resulting from the excitement of the raiyats who refused to make the deposit asked of them?

(*e*) Will the Hon'ble the Member be pleased to state the causes that have led to the Executive Engineer to make this new departure from a very old practice?

The Hon'ble the MAHARAJADHIRAJA BAHADUR of BURDWAN: The information asked for is being collected and will be furnished to the member later.

Erosion of Pabna.

77. Khan Bahadur Maulvi HAFIZAR RAHMAN CHAUDHURI: (*a*) Will the Hon'ble the Member in charge of the Department of Irrigation be pleased to state—

(*i*) whether it is a fact that the people of Pabna submitted a memorial to His Excellency the Governor in June last for

the extension of Protective Works by a few chains more or to adopt sack protection for the present to prevent the apprehended junction of the river Padma with the streamlet Icchamati that flows by the town of Pabna;

(*ii*) whether it is a fact that on the 17th July last the Superintending Engineer, Northern Circle, and the Executive Engineer, Rajshahi Division, visited Pabna Protective Works and without consulting any representative of the public, have decided not to do anything further during the rainy season;

(*iii*) whether it is a fact that a curve has formed at the eastern extremity of the revetment and is gradually widening; and

(*iv*) whether it is a fact that only a small space is intervening between the Padma and the Icchamati near the Koshakhali Jola, if so, what is the measurement of this intervening space?

(*b*) Will the Hon'ble the Member be pleased to state on what date the Superintending and the Executive Engineers concluded that the river is not likely to effect junction with the Icchamati near the Khoshakhali Jola?

(*c*) Are the Government considering the desirability of deputing the Chief Engineer at an early date to inspect the Pabna Protective Works in order to give to the public an opportunity of expressing their views to him and to report whether any sack protection may avert the danger of erosion at the eastern extremity of the revetment from the rushing of the waves?

(*d*) If the answer to (*c*) above be in the negative, will the Government be pleased to state the reasons for the same?

(*e*) Are the Government proposing to take any steps to allay the apprehension of the people of Pabna?

The Hon'ble the MAHARAJADHIRAJA BAHADUR of BURDWAN: (*a*) (*i*) Yes.

(*ii*) The Superintending Engineer, Northern Circle, and the Executive Engineer, Rajshahi Division, inspected Pabna Protective Works on 17th July, 1923. They have been watching developments in this quarter very closely for some considerable time and being fully conversant with the situation there was no necessity for consulting the public in the matter. As a result of this inspection, the Superintending Engineer, Northern Circle, has advocated making careful observations of the movements of the river and reviewing the whole situation at the end of the flood season.

(*iii*) The Superintending Engineer, Northern Circle, in his last inspection note reports that the scour at the downstream end of the revetment extends 50 feet inland.

(*iv*) The intervening space between the Padma and the Icchamati near the Khoshakhali Jola was 200 feet approximately on the 2nd August, 1923.

(*b*) During their inspection on the 17th July, 1923.

(*c*) The Chief Engineer, Irrigation Department, inspected these works last year and is in close touch with everything that is happening there. A further inspection is not considered necessary at present. Sack protection as a cure for the present trouble would be absolutely useless and a waste of money.

(*d*) The reason is included in the reply to (*c*).

(*e*) Not at present. There is always danger that the Ganges may cut in much further and this cannot be prevented except at a cost out of all proportion to the value of the land protected.

Suspension of work on the Kidderpore Bridge.

78. Mr. H. BARTON: (*a*) Is the Hon'ble the Member in charge of the Department of Irrigation aware of the intense inconvenience to the public owing to the suspension of work on the Kidderpore Bridge?

(*b*) Will the Hon'ble the Member be pleased to state what steps, if any, are being taken to expedite the completion of the work?

The Hon'ble the MAHARAJADHIRAJA BAHADUR of BURDWAN: (*a*) Yes.

(*b*) As soon as the Calcutta Corporation and Calcutta Improvement Trust accept the revised estimate for the structure which was sent them in June, 1923, and agree to bear their share of the cost, which they are objecting to at present, the Irrigation Department will immediately resume and complete what remains to be done on the bridge.

Silting up of the Ayla river in the Bakarganj district.

79. Maulvi FAZLAL KARIM: (*a*) Will the Hon'ble the Member in charge of the Department of Irrigation be pleased to state—

(*i*) whether it is a fact that the Ayla river in the subdivision of Patuakhali in the district of Bakarganj is being silted up;

(*ii*) whether it is a fact that the khals of the villages on both sides of the river are also being dried up;

(*iii*) whether it is a fact that this river is the only water course through which steam launches can pass to reach the police-stations of Barguna and Betagi from Patuakhali; and

(*iv*) whether it is a fact that at the ebb tides steam launches cannot pass through the river?

(*b*) Will the Hon'ble the Member be pleased to state whether owing to the silting up of the river and the drying up of the khals there has been much inconvenience to the cultivators in cultivating their lands?

(*c*) If so, are the Government considering the desirability of dredging the river for the convenience of the people?

The Hon'ble the MAHARAJADHIRAJA BAHADUR of BURDWAN: The information is being collected and will be furnished to the member later.

Improvement of water-supply and charitable dispensaries in Bengal.

80. Babu AMULYA DHONE ADDY: Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state what steps have been taken during the last two years, and what steps it is proposed to take during the current year—

(*i*) for the improvement of water-supply in the rural areas of Bengal;

(*ii*) for the establishment of additional Veterinary and other Charitable Dispensaries in Bengal; and

(*iii*) for the establishment of New Medical Schools with Hospitals?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*i*) The improvement of rural water-supply was discussed in the District Board Conferences of both 1922 and 1923. In 1923 it was decided that the District Boards should spend one-third of the public works cess in improving the water supply, and a circular to that effect has issued from Government, while in 1921 District Boards were required to contribute a substantial portion of their augmentation grant to Union Boards for the development of village sanitation and for measures of public health, which include the provision of an adequate water-supply. The District Boards on an average spent only 14·4 per cent. of the public works cess on water-supply in 1921-22, but an attempt is being made to induce them to spend a larger portion of this cess on this branch of their work in accordance with the Resolution passed at their Conference. The Minister has more than once pointed out that it is not possible to solve the question of rural water-supply by drawing on

provincial revenues. It was proposed to legislate so as to give District Boards wider powers to interfere with private sources of supply. But after careful examination this proposal has been abandoned. If funds can be obtained to carry out the schemes for the reclamation and improvement of khals and rivers in connection with anti-malarial projects, these works will to some extent improve the supply of potable water, but generally speaking, the remedy seems to lie in the improvement of the existing tanks and the excavation of new tanks. With a network of Union Boards, there will be a possibility of improving local needs and every attempt will be made to induce District Boards, in respect of the heavy demands for other works upon their revenues to encourage and assist Union Boards in providing a village water-supply.

Experiments have been made with sub-artesian borings in Pabna and Patuakhali, and Rs. 10,000 has been allotted for a boring at Rampore-Boalia. Sketch projects have been prepared in the case of two-thirds of the riparian municipalities in the vicinity of Calcutta based on borings of this type, but so far the small municipal towns concerned have not been able to proceed with these schemes.

The experiments referred to although carried out in municipalities and not in rural areas have their value from the point of view of the rural water-supply problem.

(*ii*)(*a*) The Legislative Council in 1922 voted a sum of Rs. 1,50,000 which it undertook to provide annually for 3 years, to assist District Boards in opening a 100 new thana dispensaries and 400 village dispensaries. Unfortunately, financial conditions became worse and the total grant was cut down subsequently to Rs. 15,000. This grant has been allotted to District Boards for initiating the Minister's scheme for the multiplication of rural dispensaries, Rs. 500 per annum being allotted as a subsidy in the case of the more substantial thana dispensary, and Rs. 250 per annum in the case of village dispensaries. As soon as financial conditions improve, it is the desire of the Minister to proceed with this scheme.

(*b*) 1921-22.—Two new Veterinary Dispensaries were opened, an indoor one at Midnapore and an outdoor one at Kalimpong.

1922-23.—Two new Veterinary Dispensaries were opened, one at Kurseong and one at Rajshahi.

1923-24.—The opening of two new Veterinary Dispensaries are under consideration one at Darjeeling and one at Tangail subdivision.

(*iii*) The Mymensingh Medical School Committee having obtained handsome local contributions towards the foundation of the School, Government in 1923 sanctioned a scheme for a school to accommodate 200 students, and the Public Works Department has been instructed to proceed with the scheme, which will involve a recurring cost of over Rs. 40,000 per annum.

Where the recurring cost is so heavy, it is obvious that Government can only proceed very slowly with the establishment of new medical schools. The proposal for a School at Chittagong is under consideration. The capital charges would not much exceed a lakh of which a considerable portion could be obtained locally, but the heavy recurring charges are a serious difficulty.

The Mymensingh Hospital has been greatly extended by private gifts, and it was this extension which rendered the opening of the School feasible from the point of view of clinical material.

Free primary schools.

81. Babu AMULYA DHONE ADDY: Will the Hon'ble the Minister in charge of the Department of Education be pleased to state what steps have been taken during the last two years and what steps it is proposed to take during the current year for the establishment of free primary schools for the boys and girls of the poorer classes in Bengal?

The Hon'ble Mr. P. C. MITTER: Government have during the last two years been willing, and are still willing, to assist local bodies to establish free primary schools within their respective areas, and some such schools have actually been started with their approval. In the present condition of Government finance it is obvious, however, that a large proportion of the cost establishing a system of free primary education must fall upon the local bodies concerned.

Scarcity of drinking water in 1922.

82. Rai HARENDRANATH CHAUDHURI: (*a*) Is the Hon'ble the Minister in charge of the Department of Local Self-Government aware that this year there has been severe distress due to the scarcity of drinking water in the rural areas of most of the districts in the province?

(*b*) If so, will the Hon'ble the Minister be pleased to state, district by district, what steps have been taken—

(*i*) by the Government, and

(*ii*) by the District Board concerned, to alleviate such distress?

(*c*) What steps have been taken since the date of the Bengal Government Resolution No. 1518-L.S.-G., towards the preparation and maintenance of records regarding the sources and conditions of water-supply relating to every village in the province?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*a*) Notice of the question was given in 1922 and it relates to that year. The reply is in the affirmative.

(*b*) (*i*) Local bodies are directly concerned with the question of rural water-supply and Government were not able to deal with the scarcity district by district. Government's attempts to deal with the general problem of rural water-supply are explained in the reply given to the unstarred question asked by Babu Amulya Dhone Addy regarding the improvement of water-supply in rural areas of Bengal.

(*ii*) A statement showing the steps taken by District Boards is laid on the Library table.

(*c*) The preparation of water-supply maps and registers is reported to have been completed and kept up to date in the districts of Burdwan, Birbhum, Bankura, Howrah, Hooghly (with the exception of Serampur subdivision where they are not up to date), Midnapore (with the exception of 4 thanas, registers relating to which are missing), 24-Parganas, Murshidabad, Khulna, Dacca (except in one subdivision), Faridpur, Bakarganj, Dinajpur, Rangpur, Pabna, Malda, Jalpaiguri and Darjeeling (Siliguri subdivision).

It is reported by the Chairman, Rajshahi District Board, that a census of the sources of water-supply in his district was taken in 1914-15 and the maps and registers were prepared later on. In the Chittagong district positions of all wells and tanks are shown on thana maps which are kept up to date. Steps are being taken to bring the maps and registers up to date in the district of Nadia. It is reported that a thorough revision of the existing maps and registers will be taken up by the Jessore District Board as funds permit. The Mymensingh District Board undertook the preparation of maps and registers in 1918-1919, but the matter was dropped in consideration of the large outlay required. Maps and registers have not yet been prepared in the districts of Bogra, Tippera and Noakhali.

Expenditure by District Boards on medical relief and primary education.

83. Rai HARENDRANATH CHAUDHURI: Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state what percentage of their total income was spent by each of the District Boards in Bengal on—

(*i*) medical relief,

(*ii*) primary education,

during the last three years, i.e., 1920-21, 1921-1922, 1922-23?

The Hon'ble Sir SURENDRA NATH BANERJEA: A statement showing the figures for the years 1920-21 and 1921-22 is laid on the Library table.

Figures for the year 1922-23 are not yet available.

Tours and travelling allowances of Chairmen and Vice-Chairmen of District Boards.

84. Rai FANINDRALAL DE Bahadur: (*a*) Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to lay on the table a statement showing the number of days spent on tour by each non-official Chairman and Vice-Chairman of the District Boards during the years ending 31st March, 1921 and 1922, respectively, and the amount of travelling allowance and halting allowance expenses charged by such officers to each Board for journeys other than those for the purpose of attending the Committee and Conference meetings during the said period?

(*b*) What are the names of the Chairmen and Vice-Chairmen?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*a*) The statements furnished by local officers are laid on the Library table.

(*b*) The member is referred to the statements laid on the Library table in reply to an unstarred question on the subject asked by Babu Nalini Nath Roy at this meeting.

Reconstitution of District Boards of Birbhum and Burdwan.

85. Maulvi A. K. FAZL-UL HAQ: (*a*) Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state why there has been no election of members of District Boards of Burdwan and Birbhum though the term of three years for which the members were elected is over?

(*b*) Is the Hon'ble the Minister aware that there is a feeling in the country against the Chairman of a District Board standing as a candidate for the Council Election on account of the influence they have over the Presidents of Unions and Local Boards and through them over the rural voters?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*a*) The reconstitution of the District Board of Burdwan was due in October, 1921. The Local Board elections were held up in view of the amendment of rule 1 of the Election Rules, so as to permit of the allotment of seats to groups of union boards under the Village Self-Government Act. The rule was amended by Government notification No. 92 L. S.-G., dated the 7th January, 1922, but the amended rule did not come into effect till three months after the date of its publication. Proposals for the distribution of the elected seats of the different Local Boards among groups of union boards in each police-station were finally approved by the Commissioner in consultation with the District Magistrate towards the end of May, 1923. The reconstitution of the Local Boards is expected shortly and that of the District Board will follow.

The reconstitution of the Birbhum District Board was also due in October, 1921, but pending a decision as to the establishment of a Local Board at Bolpur, the introduction of the system of an elective majority and the reconstitution of the District Board were kept in abeyance. The question of abolishing Local Boards altogether will be considered in connection with the amendment of the Local Self-Government Act and it was therefore decided not to create new Local Boards at present. The question then arose whether, if the privilege of an elective majority be granted to the District Board, the existing number of members of the Local Boards should be increased so as to avoid almost all the members of the Local Boards getting on to the District Board. Orders issued on this point on the 23rd May, 1923. The Local Boards will now be reconstituted, after which the reconstitution of the District Board will be taken up.

(*b*) The answer is in the negative.

Travelling allowances of non-official Chairmen and Vice-Chairmen of District Boards.

86. Babu NALINI NATH ROY: Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state the travelling allowances drawn by the non-official Chairmen and Vice-Chairmen of the district boards of Bengal with their names, for the last three years?

The Hon'ble Sir SURENDRA NATH BANERJEA: The statements furnished by local officers are laid on the Library table.

Tuberculosis and kala-azar.

87. Babu SURENDRA NARAYAN SINHA: (*a*) Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state—

(*i*) whether it is a fact that with the lapse of every year deaths from tuberculosis and kala-azar have shown an increase; and

(*ii*) whether it is a fact that in Calcutta alone 109, 162 and 204 deaths from kala-azar took place, respectively, in the years 1919, 1920 and 1921, and that 580 cases, of which 70 came from outside, took medicine from the Medical College Outdoor Hospital which was opened in February, 1921?

(*b*) Will the Hon'ble the Minister be pleased to state whether from the Laboratory of the Tropical Medicine Research College he hopes to bring kala-azar from problem to programme and to combat its spread and havoc?

(*c*) Will the Hon'ble the Minister be pleased to lay on the table a statement showing the figures of death from tuberculosis and kala-azar during the years 1921 and 1922?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*a*) (*i*) and (*c*) Information is not available, as deaths from the special causes mentioned have only been reported separately since 1921. The reported deaths under the head "Kala-azar and Phthisis," respectively, in these two last years are as follows:—

Kala-azar—

Calcutta: 1921—204; 1922—287.
Total of Presidency: 1921—1,552; 1922—1,531.

Phthisis—

Calcutta: 1921—2,095; 1922—2,106.
Total of Presidency: 1921—4,055; 1922—4,477.

Four hundred and twenty-four cases of kala-azar were treated in 1921 at the Medical College Outdoor Hospital.

(*ii*) Vide reply to (*i*).

(*b*) The question as to how kala-azar is transmitted is still being investigated, but the success of the antimony treatment is now well-established, and the problem of making treatment available to all is administrative and financial. The organization of treatment for kala-azar involves the co-operation of Government, local bodies, voluntary associations and private persons. The extent of the problem is still a matter for inquiry, and Government are now pressing on their kala-azar survey—combined with treatment—which has been in progress for three years.

The question of strengthening the staff and organizing a larger campaign against kala-azar is under consideration.

Muhammadan Hostel attached to Jessore Zilla School.

88. Maulvi RAFI UDDIN AHMED: (*a*) Is the Hon'ble the Minister in charge of the Department of Education aware that the Muhammadan Hostel attached to the Jessore Zilla School was constructed only about ten years ago at a cost of about Rs. 50,000?

(*b*) Is the Hon'ble the Minister aware that the rain water falls through the roof and the boarding house is unfit for habitation for boys during the rains?

(*c*) Are the Government considering the desirability of replacing the roof as the patch-work on the roof has proved to be useless?

The Hon'ble Mr. P. C. MITTER: (*a*) The hostel was built in 1914-15 at a cost of Rs. 37,980.

(*b*) and (*c*) Government have no information but will institute inquiries.

Muhammadan headmasters and assistant headmasters of Government High Schools.

89. Maulvi RAFI UDDIN AHMED: (*a*) Will the Hon'ble the Minister in charge of the Department of Education be pleased to lay on the table a statement showing the number of—

(*i*) headmasters, and

(*ii*) assistant headmasters

in the Government High Schools in Bengal and how many of them are Hindus and Muhammadans?

(*b*) Will the Hon'ble the Minister be pleased to state how many Muhammadan teachers of the present cadre are academically qualified to hold the offices of (*i*) headmaster, and (*ii*) assistant headmaster in the said schools?

(*c*) Will the Government be pleased to state why these academically qualified Muhammadan teachers are not appointed to those vacancies in proportion to the importance of the Muhammadan community?

The Hon'ble Mr. P. C. MITTER: (*a*) Forty, of whom six are Moslems.

(*b*) The ordinary minimum academic qualification for these posts is a degree. Sixty Moslem teachers in Government Schools hold degrees.

(*c*) Their length of service does not yet qualify them for the promotion.

Breaches in Selye embankments.

90. Babu HEM CHANDRA BHATTACHARJI: (*a*) Will the Hon'ble the Member in charge of the Department of Irrigation be pleased to state—

(*i*) whether he is aware of the fact that Ghatal, a subdivision in the district of Midnapore, was completely flooded last year owing to the break in the embankments on the side of the river Selye; and

(*ii*) whether Government are contemplating taking any action to close the breach in the embankments?

(*b*) If so, when is the work likely to be taken in hand?

The Hon'ble the MAHARAJADHIRAJA BAHADUR of BURDWAN: (*a*) (*i*) Yes.

(*ii*) The whole question of the desirability or otherwise of repairing these breaches is under the consideration of Government.

(*b*) This depends on the decision that Government may come to.

Ex-soldiers of Bengali Regiment.

91. Khan Bahadur Maulvi HAFIZAR RAHMAN CHAUDHURI: (*a*) Will the Hon'ble the Member in charge of the Political Department be pleased to state—

(*i*) how man soldiers were discharged owing to the disbandment of the 49th Bengali Regiment; and

(*ii*) what provisions, if any, have been made for these ex-soldiers in accordance with the resolution No. 2184 P.D., dated the 27th July, 1918?

(*b*) Will the Hon'ble the Member be pleased to lay on the table a statement showing—

(*i*) the names of the candidates who have been provided for—

(*1*) in the subordinate civil service,

(*2*) in the police service,

(*3*) in the Registration Department, and

(*4*) in other departments; and

(*ii*) the date on which they were appointed to these posts?

The Hon'ble Mr. H. L. STEPHENSON: (*a*) (*i*) About 1,000.

(*a*) (*ii*) and (*b*) (*i*) and (*ii*) Attention is invited to the information supplied in the answer given to unstarred question No. 8 at the meeting of Council of the 28th February, 1921. Since then the Political Department has continued to recommend qualified applicants for appointments as occasion arose. Details of all names and appointments have not been recorded.

Waiting places at tramway termini on sides of Kidderpore bridge.

92. Mr. BIJOYPROSAD SINGH ROY: (*a*) Has the attention of the Hon'ble the Member in charge of the Department of Irrigation been drawn to the great inconvenience experienced by the public, for want of covered waiting places at the tramway terminus on both sides of the new Kidderpore bridge?

(*b*) Will the Hon'ble the Member be pleased to state when the bridge will be completed and when tram cars will be allowed to run over it?

(*c*) Are the Government considering the desirability of constructing sheds at the tramway terminus where the passengers may wait, if it is anticipated that the completion of the bridge will take more than three months?

The Hon'ble the MAHARAJADHIRAJA BAHADUR of BURDWAN: (*a*) Yes.

(*b*) Work will be taken up as soon as the Corporation of Calcutta and the Calcutta Improvement Trust approve of the revised estimate in which the completion of the work is inclined.

(*c*) No.

Reservation of seats in certain educational institutions for students of depressed classes.

93. Babu BHISHMADEV DAS: Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state whether the Government are considering the desirability of reserving seats for the depressed classes in the Bengal Engineering College, the Calcutta Medical College and in the Engineering, Commercial, Technical, Industrial, and Agricultural schools and workshops?

The Hon'ble Sir SURENDRA NATH BANERJEA: A reference is invited to Government's letter No. 102—Medl., dated 6th June, 1923, on th subject, of which a copy is laid on the Library table which explains Government's attitude towards this question, so far as the Calcutta Medical College is concerned. Government take the same view in respect of the reservation of seats in the other institutions referred to.

Election of Chairman, Pabna Municipality.

94. SHAH SYED EMDADUL HAQ: (*a*) Is the Hon'ble the Minister in charge of the Department of Local Self-Government aware that Babu Binoy Kumar Roy, late Chairman of the Pabna Municipality, filed an application before the Collector of Pabna objecting to the confirmation of the election of Rai Dinanath Biswas Bahadur on the 18th September last as Chairman of the Pabna Municipality?

(*b*) Is it a fact that in view of the Government circular No. 4821, dated the 8th September, 1922, issued by the Minister of Local Self-Government nominated Government officers are required to abstain from voting at the election of the chairman?

(*c*) Is it a fact that Rai Sahib S. C. Basu was proposed as the President of the meeting and the proposal was agreed upon on the understanding that he would not exercise his right of voting?

(*d*) Is it a fact that the nominated Government officer, e.g., the Civil Surgeon Rai Sahib S. C. Basu and Maulvi Mahomed, teacher, Pabna Zilla school, voted at the meeting for the election of Chairman?

(*e*) Is the Hon'ble the Minister aware that the complainant, who was a rival candidate, secured eight votes, while the Rai Bahadur secured nine?

(*f*) Did the Collector forward the objection to the Commissioner of the Rajshahi Division?

(*g*) If so, what has been the decision of the Divisional Commissioner in this matter?

(*h*) If the election was confirmed, what are the grounds on which the Commissioner rejected Binoy Babu's petition for objection?

(*i*) Are the Government considering the desirability of making the circular No. 4821, dated the 8th September, 1922, obligatory in all the future elections of Chairmen of the municipalities? If not, why not?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*a*) Yes.

(*b*) Yes, but only when the candidate for election as Chairman is an official.

(*c*) Government are not aware whether it is a fact or not.

(*d*) Yes.

(*e*) Yes.

(*f*) Yes.

(*g*) The Commissioner considered the election of the Rai Bahadur to be valid.

(*h*) Binoy Babu's petition was rejected by the Commissioner as his grounds of objection on the face of them had no force.

(*i*) No. Government may appoint officials as Commissioners on the understanding that they will not exercise their right of voting where an official is a candidate for the post of Chairman, but where a non-official stands for election, it would be unreasonable by executive order to limit a Commissioner's right to vote.

Mechanical and electrical engineering classes, Bengal Engineering College.

95. Babu RISHINDRA NATH SARKAR: (*a*) Will the Hon'ble the Minister in charge of the Department of Education be pleased to state the number of students admitted every year to the apprentice class of the mechanical and electrical department in the Bengal Engineering College, Sibpur, and the number of applicants for admission to the aforesaid class?

(*b*) Is it a fact that on account of the restriction in the number of admissions, a large number of candidates are unable to get themselves admitted?

(*c*) Is the Hon'ble the Minister considering the desirability of admitting a larger number of studeuts to the aforesaid apprentice class every year?

(*d*) Is it a fact that the admissions in the above class are made in June, before the results of the Matriculation Examination are published and that in consequence a large number of candidates are prevented from applying for admission in June?

(*e*) Is the Hon'ble the Minister considering the desirability of fixing the last date for application for admission to the aforesaid classes a fortnight after the Matriculation results are published?

The Hon'ble Mr. P. C. MITTER: (*a*) The old name apprentice department has been abolished and the classes are now called mechanical and electrical engineering classes. Number admitted—42 in 1921; 45 in 1922; and 40 in 1923. Number of applicants in 1923—58.

(*b*) No suitable applicants were rejected this year.

(*c*) No. The total number of admissions to the institution is limited by barrack accommodation, and facilities for practical training.

(*d*) Admissions are at present made in March.

(*e*) The suggestion is at present being considered.

Fishery rights in the area for the proposed Grand Trunk Canal.

96. Dr. PRAMATHANATH BANERJEA: Will the Hon'ble the Member in charge of the Department of Irrigation be pleased to state whether the Government are considering the desirability of granting leases of fishery rights in the area acquired by the Government for the proposed Grand Trunk Canal?

The Hon'ble the MAHARAJADHIRAJA BAHADUR of BURDWAN: The land in question has already been leased.

Certificate under section 72D (2) of the Government of India Act.

The Hon'ble Mr. J. DONALD: In accordance with the provisions of section 92 of the Bengal Legislative Council Rules, I am to place the following certificate on the table:—

CERTIFICATE.

26.—POLICE—TEMPORARY DISTRICT INTELLIGENCE STAFF.

Whereas the Bengal Legislative Council has reduced by the sum of Rs. 94,000 the demand of Rs. 1,94,000 in respect of "temporary district intelligence staff" under the head "26—Police," I hereby certify under proviso (*a*) to section 72 D (*2*) of the Government of India Act that for the above purpose a further sum of Rs. 50,000 is essential for the discharge of my responsibility for the subject.

LYTTON,

Governor of Bengal.

The 7th July, 1923.

The Hon'ble Mr. H. L. STEPHENSON: With your permission, I should like to say a few words of explanation to the Council with regard to the certificate which has been just laid on the table by the Hon'ble Mr. Donald. It will be in the recollection of the Council that in discussing the budget estimates last year for police I accepted a reduction on behalf of Government of Rs. 75,000 from the total estimates of the police. The Council also reduced the provision for the District Intelligence Branch, from Rs. 1,94,000 to Rs. 1,00,000. Government, in consultation with the Inspector-General of Police, went very carefully into the question of reduction of the District Intelligence Branch staff. We pruned it, and have reduced the staff considerably and also the allowances. But we came to the conclusion that unless we disbanded the District Intelligence Staff, we could not keep the expenditure for this year below Rs. 1,50,000. Government were not prepared to face the disbandment of the District Intelligence Staff and it is clear from the fact that the Council did not accept the motion to refuse the total grant, but only a motion for reduction that the Council was not in favour of disbanding the District Intelligence Staff, but Government recognised that the intention of the Council was to enforce economy. We have enforced economy so far as it is possible under the head of District Intelligence Branch. But, Sir, we then looked round and by pruning and scraping other items in the police budget we have enforced the economy which the Council desired. This certification of half a lakh for the District Intelligence Branch has been provided by scrapings and savings in other branches of the police budget which has been passed by this Council. This certificate, therefore, does not mean that Government are asking the Council to provide one single rupee more in the police budget than they have already done and this Rs. 50,000, required by this certificate, as I have already said, has been saved in addition to the Rs. 75,000 which we took off the police budget at the end of last year. The certificate itself is necessary because as the Council reduced a specific item in the budget, we cannot spend more on that specific item without this certificate because the Accountant-General will not allow it. What we have really done is to reappropriate savings which we have made in other parts of the police budget to provide the money for the District Intelligence Branch and the effect of the certificate will not be to add a single rupee to the police budget.

GOVERNMENT BILLS.

The Calcutta Improvement (Amendment) Bill, 1923.

The Hon'ble Sir SURENDRA NATH BANERJEA: I beg to present the report of the Select Committee on the Calcutta Improvement (Amendment) Bill and to move that the report be taken into consideration. The Bill, Sir, as it has emerged from the Select Committee, is

very much more restricted than the Bill which I had the honour of introducing in this Council. The reason for narrowing the scope of the Bill was the representation of the Corporation which wanted a much more comprehensive measure and more time for its consideration. We were not able to comply with this request, having regard to the limitations of time at our disposal. I therefore suggested to the Select Committee—and my suggestion was accepted that we should confine ourselves to matters that were urgent and non-contentious, and these matters resolve themselves into two. In the first place, the Bill provides for the settlement of compensation to be paid by the Board to the Corporation for lands and buildings taken up by that body. The determining factor in respect of the settlement was the question whether the land taken up was for improvement or for recoupment. If it was for improvement and the land revested in the Corporation, no compensation was to be paid: if it was for recoupment, compensation was to be paid according to the market value of the property at the time of the issue of the declaration. That was the agreement which, I understood, was arrived at between the Corporation and the Improvement Trust, though I learn that there has subsequently been some modification in respect of that agreement which will appear in the course of the discussion of the amendments.

The other matter which the Bill deals with is to provide for the raising of the rate of interest payable to the Trust for debts outstanding to it from 4 per cent. to 6 per cent. This was unanimously agreed to with one single dissentient voice. I find that my hon'ble friend, who raised that note of dissent at the meeting of the Select Committee, has given notice of an amendment in that respect. I am sure that the amendment will be discussed and I hope, will be thrown out. I do not think I need detain the House at any length with any observations at this stage. I beg to move that the report of the Select Committee be taken into consideration.

The motion that the report of the Select Committee on the Calcutta Improvement (Amendment) Bill be taken into consideration was put and agreed to.

CLAUSE 1.

Mr. PRESIDENT: The question is that clause 1 stand part of the Bill.

The motion was put and agreed to.

CLAUSE 2.

Mr. PRESIDENT: The question is that clause 2 stand part of the Bill.

Dr. D. C. GHOSE: May I have your permission to move the two amendments together standing in my name? Unless I move them together, I cannot make my meaning clear.

Mr. PRESIDENT: Yes, certainly.

Mr. D. C. GHOSE: I beg to move—

(*i*) that in clause 2, in the proposed section 54(*l*), line 13, for the words " required for the purposes of such scheme " the words " required for the execution of the scheme " be substituted, and

(*ii*) that in clause 2, at the end of the proposed section 54(*l*) the following be added, namely:—

" *Explanation.*—Land required for laying out or re-laying out or for the provision of building sites in a scheme shall be deemed to be land required for the execution of the scheme within the meaning of this section."

During the somewhat hurried consideration of this Bill by the Select Committee, it was not possible, I am afraid, for the members of the Committee to apply their mind to all points of difficulty that required solution in this amending legislation. Section 54 of the Calcutta Improvement Act deals principally with questions between the Improvement Trust and the Calcutta Corporation. It appears to me, at any rate from the discussions in the Corporation, that both bodies, viz., the Calcutta Improvement Trust and the Calcutta Corporation, are agreed that section 54 is defective and must be remedied by legislation. Now, what is the matter principally, regarding which section 54 has been found defective? There is no dispute or difficulty regarding Corporation lands which are acquired by the Trust for executing the engineering portions of a scheme, that is for the actual road-way in a street—scheme. But, Sir, apart from and beyond that, some doubts and difficulties have arisen. Doubts have arisen whether the Trust is competent to acquire lands belonging to the Corporation for purposes of lay-out. The Corporation's contention was that under section 54, the Trust had not got the power to acquire land from the Corporation for lay-out. On the other hand, the contention of the Trust went to the opposite extreme, namely, that under section 54, the Trust had the power to acquire lands from the Corporation even for purposes of recoupment. When these doubts and difficulties arose, by agreement between the two bodies, viz., the Trust and the Corporation, a friendly reference was made to the High Court. That reference was finally heard by His Lordships the Chief Justice and Mr. Justice Richardson. I shall refer to their judgments later on, but in the meantime let me say this that the real point which gave rise to this difficulty between the Trust and

the Corporation, viz., whether under section 54, the Trust have got the power to acquire lands from the Corporation for lay-out was never placed before the Court. What was debated upon, in the Court was the extreme contention of the Trust that under section 54, the Trust have the power to acquire lands from the Corporation even for purposes of recoupment. Their Lordships held that under section 54, the Trust had not the power to acquire lands for purposes of recoupment. Now, the object of my two amendments is to make it clear that if the Trust want to acquire any building, street, square or any other land belonging to the Corporation for executing any of their schemes, they should be enabled to do so, and I make it clear in the explanation that under this section they will have the power to acquire lands for purposes of lay-out, but I exclude by my two amendments all idea of acquiring lands for the purposes of recoupment.

I will read out to you one or two passages from the judgments of His Lordship the Chief Justice and Mr. Justice Richardson. In holding that the Trust had not the power to acquire lands from the Corporation for purposes of recoupment, His Lordship the Chief Justice says that " it may be that the Legislature may have considered that when the Board of the Improvement Trust was dealing with another public body such as the Calcutta Corporation, it would not be right to enable the Trust to acquire from the other public body, viz., the Corporation, lands which were not actually required for the execution of the scheme, but which were included in the scheme for purposes of recoupment only;" and then Mr. Justice Richardson says that " there seems no reason why as regards land required for purposes of recoupment, the Corporation should not have the same right under section 78 as other owners of land." I will explain what this means. If the Trust acquire land belonging to a private person for any of their schemes, then if the land is not required for the execution of the scheme, but for purposes of recoupment, then the owner of the land under the Calcutta Improvement Act has the right to go up to the Trust and ask for exemption of that land on payment of certain money. Their Lordships held when this matter came up before them that section 54 precluded the Corporation from the enjoyment of the right which a private owner has, namely, going up to the Trust and asking for exemption of their land.

Well, Sir, besides what their Lordships have said, I wish to say this that the Corporation and the Trust are two bodies, two co-adjutors working for the improvement of Calcutta. The Corporation makes a definite contribution to the funds of the Trust for carrying on their work. The object of both these bodies is to make a bigger and finer Calcutta. Well, when this is the relationship between these two bodies, why should you allow one body, namely the Trust, to acquire lands belonging to the other, namely, the Corporation, not for executing any of their

schemes but for the purpose of selling out later on at fancy prices and making a lot of money out of such lands. You may allow that with regard to the lands belonging to private owners, but with regard to lands belonging to the Corporation when the relationship between the two bodies is one of mutual co-operation, I think that the acquisition of lands for the purpose of recoupment, viz., for the purpose of profit, ought not to be allowed. Now, if you retain the expression as in the Bill, " for the purposes of the scheme " then recoupment will be covered by that phrase. That expression is far too general, as will appear from a reference to sections 41 and 42 of the Cealcutta Improvement Act in which are set forth various matters which may be included in an improvement scheme. I want to make the section more specific and would also restrict its scope by laying down that the land must be necessary for the execution of a scheme. I will, however, add an explanation that land required for lay-out or relaying out or for the provision of building sites should be deemed to be land required for the execution of the scheme. I do not think that it is necessary or expedient that the Trust should have power to take over Corporation lands for any other purpose even on payment of compensation which in the case of streets and squares will be nothing. With these words I beg to move my amendments.

Babu DEBI PROSAD KHAITAN: I feel that I should say a few words in support of the amendments moved by my esteemed friend Mr. D. C. Ghose. During the discussions that took place on the Improvement (Amendment) Bill, it was agreed, as I understood it, between the Chairman of the Improvement Trust and the Chairman of the Calcutta Corporation that the Improvement Trust should only be entitled under the principles of clause 1 to such land as will really be required for the engineering requirements, that is for laying out streets, parks and other sanitary conveniences, and the provision of building sites, that is, for the actual execution of the scheme; and it is on that principle that it was agreed that this Bill should be drawn up. It was also agreed that if the Improvement Trust took possession of other lands belonging to the Corporation which were not really required for the lay-out of the scheme undertaken by the Improvement Trust, the Improvement Trust should pay to the Corporation on the same basis as the Improvement Trust would have to pay to a private owner as is specified in sub-clause (3) of clause 2 of the Bill. The Bill, as drawn and as presented on behalf of the Government, does not make the meaning clear, and Mr. D. C. Ghose's amendments make the meaning clear according to the compromise arrived at, and I hope, Sir, that Government will accept the amendments moved by Mr. D. C. Ghose.

Babu SURENDRA NATH MALLIK: After the beautiful way in which my friend Mr. D. C. Ghose has opened the whole thing, I do not

think I shall be justified in taking up the time of the Council. It is a fact that the Improvement Trust and the Corporation of Calcutta have come to an agreement over this difficult point. Whenever any land belonging to the Corporation is taken over by the Improvement Trust—and if that land has got to come back to us—we do not charge them anything; they do not pay any charge, but wherever that land is used by them for improvement and laying out purposes and sold to other persons, in that case we get the market rate, and that is the arrangement come to. Of course the Bill as it gives expression to that. My friend Mr. D. C. Ghose thinks that it is not sufficiently clear. I think that Mr. Ghose has put in here makes the position more clear no doubt. He has given a definition and he has also said that, for the words "required for the purposes of such scheme" the words "for the execution of the scheme" be substituted. It makes the meaning certainly more clear and in view of this on behalf of the Corporation, I have no hesitation in accepting this and I leave it to the House to see whether it is clear or not or whether they will accept it or not.

The Hon'ble Sir SURENDRA NATH BANERJEA: I think it is necessary on behalf of Government that I should oppose these amendments and I have asked Mr. Goode to specify our objections to them.

Mr. S. W. GOODE: Government are very anxious, naturally, in legislating in a matter which relates to the Corporation and the Improvement Trust to be guided as far as possible by the views of the representatives of those bodies. But there are certain occasions in which it is necessary for Government to take up some other line on the advice of their legal advisers. We are advised that the proposals made in amendments (*i*) and (*ii*) by Mr. Ghose may possibly cause legal difficulties in the interpretation of this Bill. Generally speaking, Government have every sympathy with the proposals which Mr. Ghose has laid before this Council this evening. His proposals more or less give the same meaning and provide the same settlement which the original draft Bill of the Government did and we are quite prepared to accept generally the changes which he suggests in order to make—as he thinks—his meaning a little more explicit. But as regards amendments (*i*) and (*ii*) I think that Government on the whole after careful consideration must oppose it. In the first place Mr. Ghose has proposed that the words "required for the purposes of such scheme" should be substituted by the words "required for the execution of the scheme." Admittedly, the phrase "execution of the scheme" is ambiguous. This is a point which was discussed at some length in the Select Committee and we decided that it would be wiser to adopt language which would be capable of the widest interpretation. We, therefore, deliberately adopted the words "for the purposes" in place of the word "execution."

I do not, however, wish to mislead the House, into thinking that the change is merely one of phraseology. There is also a change in the meaning. Mr. Ghose has attempted to limit the meaning and content of the phrase "execution of the scheme" to certain specific items of work or to certain specific purposes for which land might be needed. In his Explanation he provides, that land required for building sites or laying out schemes should be understood to be land required for the execution of the scheme. He thereby excludes land required for the purposes of recoupment. I think the words "lay out" and "re-laying out" have a definite meaning and they already occur in the Act, and I would not object to the proposed change on this ground. I think, however, that he has gone too far in attempting to limit the right of the Trust, if they so desire, to obtain land from the Corporation for the general purposes of their scheme which must include recoupment. Let me ask the members of the House for a moment to picture to themselves some narrow gulley in the middle of a congested area; the Trust takes up the whole area for the purpose of a general improvement scheme, and this narrow gulley is replaced by, we will assume, a diagonal which traverses the whole of the area required. Is it suggested that only that portion of the old road which falls within the new diagonal is land which the Trust are entitled to obtain free of cost? Is it suggested that the Trust ought to pay for that portion of the old road which lies outside the diagonal because it is to be made part of a building site in the lay-out approved by the Trust? I think that the case has merely to be stated to this House for members to agree that this proposal is unreasonable. It seems to me that as the Trust and the Corporation are anxious to come to some basis of compromise so as to prevent future disputes, it is much better to make the phraseology as wide as possible and adopt the word "purposes" instead of the word "execution" which is undoubtedly much more uncertain in its meaning and more limited in its content.

Next as regards amendment No. *(ii)* Mr. Ghose has endeavoured, I do not think very successfully, to define land required for the purpose of the scheme. He has recognised that he is confronted with a certain difficulty in adopting a word of a somewhat limited content and he has been obliged to insert a definition for this purpose within the statute. If his first amendment is not accepted by the Council it no longer becomes necessary to consider amendment No. *(ii)*. We are anxious, as I have said, to settle this matter in a way which will be agreeable both to Mr. Mallik and Mr. Emerson and the interests which they represent. We are advised by the Legislative Department, which has devoted considerable attention to this rather difficult little Bill, that it is unwise on the whole to attempt to change one small portion of the Bill in this way. We are quite prepared to accept with some slight verbal changes the rest of Mr. Ghose's amendments which I understand Mr. Mallik, as representing the Corporation, and Mr. Emerson, as representing the Improvement

Trust, will also accept. We would prefer on the whole to retain the present draft Bill and would ask the members of the House not to accept amendments Nos. (*i*) and (*ii*).

Mr. D. C. Ghose's amendment No. (*i*) was put and a division taken with the following result:

AYES.

Addy, Babu Amulya Dhone.
Ali, Mr. Syed Erfan.
Ali, Munshi Amir.
Ali, Munshi Ayub.
Bhattacharji, Babu Hem Chandra.
Bose, Mr. S. M.
Chaudhuri, Khan Bahadur Maulvi Hafizar Rahman.
Das Gupta, Rai Bahadur Nibaran Chandra.
Dutt, Rai Bahadur Dr. Haridhan.
Dutta, Babu Annada Charan.
Dutta, Babu Indu Bhushan.
Ghose, Mr. D. C.
Haq, Shah Syed Emdadul.
Khaitan, Babu Debi Prosad.
Khan, Maulvi Md. Rafique Uddin.
Makramali, Munshi.
Mallik, Babu Surendra Nath.
Mitra, Rai Bahadur Mahendra Chandra.
Moitra, Dr. Jatindra Nath.
Mukharji, Babu Satish Chandra.
Mukhopadhaya, Babu Sarat Chandra.
Ray, Babu Bhabendra Chandra.
Roy, Mr. Bijoyprosad Singh.
Sarkar, Babu Jogesh Chandra.
Sinha, Babu Surendra Narayan.
Suhrawardy, Mr. Huseyn Shaheed.

NOES.

Ahmed, Khan Bahadur Maulvi Wasimuddin.
Arhamuddin, Maulvi Khandakar.
Banerjea, the Hon'ble Sir Surendra Nath.
Banerjee, Rai Bahadur Abinash Chandra.
Birley, Mr L.
Carey, Mr. W. L.
Choudhury, Khan Bahadur Maulvi Rahmatjan.
Chowdhury, Maulvi Fazlal Karim.
Cohen, Mr D. J.
Crawford, Mr. T. C.
Das, Babu Bhishmadev.
De, Mr. K. C.
Dey, Mr. C. C.
Donald, the Hon'ble Mr. J.
Donovan, Mr. J. T.
Duval, Mr. H. P.
Emerson, Mr. T.
Forrester, Mr. J. Campbell.
Ghose, Rai Bahadur Jogendra Chunder.
Goode, Mr. S. W.
Hornell, Mr. W. W.
Huntingford, Mr. C. T.
Karim, Maulvi Fazlal.
Khan, Babu Debendra Lal.
Khan, Maulvi Hamid-ud-din.
Khan, Mr. Razaur Rahman.
Law, Raja Reshee Case.
Maharajadhiraja Bahadur of Burdwan, the Hon'ble the.
Marr, Mr. A.
McAlpin, Mr. M. C.
McCay, Lt.-Col. David.
Mitter, the Hon'ble Mr. P. C.
Mukerjee, Mr. S. C.
Mukherjee, Babu Nitya Dhon.
Mukherji, Professor S. C.
Raheem, Mr. Abdur.
Rahim, the Hon'ble Sir Abd-ur-.
Ray, Babu Surendra Nath.
Ray Chaudhuri, Mr. Krishna Chandra.
Robertson, Mr. F. W.
Rose, Mr. C. F.
Roy, Mr. J. N.
Salam, Khan Bahadur Maulvi Abdus.
Shakespear, Mr. W. A.
Skinner, Mr. H. E.
Stephenson, the Hon'ble Mr. H. L.
Stuart-Williams, Mr. S. C.
Travers, Mr. W. L.
Villiers, Mr. F. E. E.

The Ayes being 26 and the Noes 49 the motion was lost.

Mr. D. C. Ghose's motion No. (*ii*) failed and was not put.

Mr. D. C. GHOSE: I move that in clause 2, in the proposed section 54(*l*), line 18, after the word "subject" the words "in the case of any building or any land, not being a street or square" be inserted.

It is admitted that no compensation has to be paid by the Trust for streets or squares belonging to the Coporation. This is expressly recognised in the existing Act, but in the revised draft before the House this is

left to be inferred by implications from the absence of any reference to any streets or squares in sub-section (*3*). The object of my amendment is to make it clear that the Trust will not have to pay for them.

The Hon'ble Sir SURENDRA NATH BANERJEA: On behalf of Government I accept the amendment.

The motion was then put and agreed to.

Mr. D. C. GHOSE: I move that in clause 2, in the proposed section 54(*1*), last line, after the word, brackets and figure " sub-section (*3*)" the words, brackets and figure " or sub-section (*4*)" be added.

Sub-section (*4*) also mentions the question of compensation, which should obviously be added. It is purely a matter of drafting.

The Hon'ble Sir SURENDRA NATH BANERJEA: This change is considered to be quite unnecessary. We have been advised that our draft is good enough for all practical purposes and therefore we decline to accept the amendment.

The motion was put and lost.

Mr. D. C. GHOSE : I move that in clause *2*, in the proposed section 54(*2*), lines 4 to 7, for the portion beginning with the words " until either " up to the words " that section " the following be substituted, namely :—

> " only until it revests in the Corporation as part of a street or an open space, under a declaration made by the Corporation under sub-section (*1*) of section 65 or a resolution passed by the Board under sub-section (*2*) of section 65, as the case may be,"

This section does not say that a declaration must be made in respect of streets or squares comprising such land. The obvious intention is that it must be so and the object of my amendment is to make it clear.

The Hon'ble Sir SURENDRA NATH BANERJEA: On behalf of Government I accept the amendment.

The motion was then put and agreed to.

Mr. D. C. GHOSE: I move that in clause 2, for the proposed section 54(*4*) the following be substituted, namely :—

> "(*4*) If, in any case where the Board have made a declaration to the Corporation in respect of any land under sub-section (*2*), the Board retain the land contrary to the terms of the declaration, or the land does not revest in the Corporation, as contemplated therein, like compensation shall be payable by the Board to the Corporation in respect of such land, for the loss resulting from the non-transfer of such land to the Corporation, such compensation not to be less than the market value which

would have been payable for the said land under the provisions of sub-section (*3*) together with interest thereon at the rate of six *per cent.* from the date of the notice under sub-section (*1*) to the date of payment."

This is also a matter of drafting. I propose, however, that in cases in which the Improvement Trust act contrary to their own declaration and retain a piece of Corporation land permanently the Trust should pay to the Corporation not only compensation but also interest at 6 per cent.

Mr. S. W. COODE: As regards the main portion of this amendment we accept it with a slight change in the phraseology, to which I will refer in a moment. But as regards the proposal that interest should be paid to the Corporation during the period in which the land is in possession of the Trust, Government must oppose it. It has to be remembered after all that the land is returned to the Corporation with a greatly enhanced value. The increment in value has been caused by the construction of roads and squares, and the property which reverts to the Corporation is of more value than when the Trust took it over. In these circumstances it seems unnecessary to ask that the Trust should pay interest for the property while it is in their possession. Government will therefore oppose this portion of the amendment.

Mr. PRESIDENT: Do I understand, Mr. Goode, that you object to the amendment as it stands but you are prepared to accept it in a modified form?

Mr. S. W. COODE: Yes, Sir, we would accept it in a modified form. We object to the levy of interest upon the Trust by the Corporation. I would modify the amendment to take the following form:—

"(*4*) If, in any case where the Board have made a declaration to the Corporation in respect of any land under sub-section (*2*), the Board retain or dispose of the land contrary to the terms of declaration, so that the land does not revest in the Corporation as contemplated under such declaration, like compensation shall be payable by the Board to the Corporation in respect of such land for the loss resulting from the non-transfer of such land to the Corporation, such compensation not to be less than the market value which would have been payable for the said land under the provisions of sub-section (*3*)."

Mr. D. C. GHOSE: I accept the amendment proposed by Mr. Goode and beg leave to withdraw mine.

The amendment of Mr. D. C. Ghose was then, by leave of the Council, withdrawn.

The amendment of Mr. S. W. Goode was then put and agreed to.

Mr. D. C. GHOSE: As my first amendment has been lost and as my present amendment is consequential to it, I beg leave of the House to withdraw it.

The following amendment was then, by leave of the Council, withdrawn:—

"That in clause 2, in the proposed section 54(*5*) (*b*), line 3, for the word 'purposes' the word 'execution' be substituted."

Mr. S. W. GOODE: With your permission, Sir, I wish to add a sub-clause before section 2(*5*) (*a*) as follows:—

"(*1a*) as to whether compensation is payable under sub-section (*3*) or sub-section (*4*), or"

The motion was put and agreed to.

The question that clause 2, as amended, stand part of the Bill was then put and agreed to.

CLAUSES 3 AND 4.

Mr. PRESIDENT: The question is that clauses 3 and 4 stand part of the Bill.

Babu AMULYA DHONE ADDY: I beg to move that clauses 3 and 4 be omitted.

Under the existing Act the rate of interest on exemption fees is 4 per cent.; it is proposed in the Bill to increase it to 6 per cent. The rate of interest on Government Promissory Notes was 4 per cent. Some time ago it went up to 6 per cent. Recently it has come down to 5 per cent. and as the finances of the Government of India have been improving, the rate of interest on Government Promissory Notes may come down to 4 per cent. It is therefore not desirable that there should be a fixed rate of interest on exemption fees. I admit that this rate of interest is very low in the case of loans or advances for improvement expenses, but is not unreasonable in the case of increment of value of lands due to the opening of roads.

The Calcutta Building Commission which was appointed by the Government in 1898 recorded its opinion that half of the increment of value for the opening of a road should be realized from the owners of the adjoining land, because they held that the opening of a road not only benefited the holdings and buildings abutting on the road, but benefited the public at large, but I am sorry to say that the whole cost of the improvement is now realized from the owners of the adjoining holdings and buildings, and in some case, the Board has made a profit out of these transactions; even ancestral dwelling houses are acquired by the Improvement Trust not only to recoup the cost of construction of a road,

but to make a profit out of it, which is most undesirable. Prohibitive fees are fixed by the Board, and though the Legislature has authorised the owners of these buildings to retain the surplus lands as a matter of fact they cannot; it is therefore desirable that the rate of interest should be a moderate one; the Board is an interested party and the greater the amount of fees the better for the Board; there is no appeal against the decision of the Board. It may be said that some concession is shown to these persons from time to time, but if the Board acquires these lands, they shall have to pay the statutory allowance in addition to the market value of the land and interest on this money till the road is opened out; therefore the concession which is shown to them is nothing but a myth. I admit that the Calcutta Corporation has agreed to this proposal; even under the Calcutta Municipal Act the rate is not a fixed one; it is not exceeding 7 per cent., and as the Corporation under the new Act is going to be a democratic body, I do not think it will charge even 5 per cent. Unlimited power is given to the Board for the acquisition of surplus lands; it is therefore desirable that there should be certain restrictions especially in cases like this. I am, however, open to a compromise if, for the word "six," Government will be pleased to insert the words "not exceeding six," it will be left entirely to the discretion of the Board to fix the rate of interest; they may fix the rate at six or anything below that as the case may be.

Babu DEBI PROSAD KHAITAN: I would like to say a few words to show what the effect will be on the general body of ratepayers if the amendment of my friend Babu Amulya Dhone Addy is accepted. It seems on a superficial thought that my friend has taken up the case of the poor people; whereas in fact he has not taken up their case at all; he is rather going against them. What will be the effect if the amendment is accepted? The Improvement Trust has got to borrow money at a rate of interest varying from 5½ per cent. to 6 per cent. After having got the money at the rate of 5½ to 6 per cent., the Improvement Trust launches upon schemes and upon monies due to the Calcutta Improvement Trust, the Board realizes interest only at the rate of 4 per cent. and not 6 per cent. Thus the difference of 2 per cent. falls on the general body of ratepayers. How after all is the Calcutta Improvement Trust financed? It does not draw money from the heavens or from the river Ganges, but it gets its money from the general body of ratepayers who have to pay the difference between the 4 and the 6 per cent., at which they borrow, if the Improvement Trust is not authorised to realize 6 per cent. rate of interest from those who choose not to pay or from those who benefit by the operations of that body. My friend Mr. Addy says that he thinks that his amendment ought to be accepted because the amounts fixed by the Improvement Trust are very high and there is no appeal. Does the remedy that he seeks to give to the persons affected lie in reducing the rate of interest from 6 to 4 per cent.? The proper remedy would

bringing forward another amendment or to move the Hon'ble the Minister to amend the Calcutta Improvement Trust Act whereby the Improvement Trust Board would be compelled to fix the proper amount and not too high an amount for recovery from affected persons with an appeal to the Improvement Board. This is not the way to give a remedy to those affected persons. I think as the Improvement Trust has got to pay very high rates of interest it is proper that persons who do not pay their dues should pay interest at the same rate as the Improvement Trust has got to borrow money, namely, 6 per cent. If I am allowed, I would remind my friend of the quotation from Shakespeare "Pity for the general wrong of Rome drives out pity for Cæsar."

Babu SURENDRA NATH MALLIK: I do not think I need add much to what has been said; the principle is well known as Mr. Khaitan has pointed out. I would only say one thing, and that is when a man has got Rs. 6,000 outstanding against him, he has got to pay 6 per cent; assuming that he can pay back in 6 years he has got to pay practically 36 per cent. But, as a matter of fact, under the Act, for the first 3 years he has not got to pay any interest at all, nothing. He has only to pay for the 4th, 5th and 6th years, that is for 3 years; it comes down to 3 per cent. Therefore, when a man has to pay this amount to the Trust in six years' time, he will be paying only 3 per cent. in reality. It is all very well for my friend Mr. Addy to say that they are poor men, and so forth. It is well known that a large number of these lands are sold to capitalists who enjoy all the benefits arising out of the situation. It is useless to trot out the plea of poor men; my friend knows all this well.

Rai MAHENDRA CHANDRA MITRA BAHADUR: I beg to support the motion of Babu Amulya Dhone Addy. It appears to me that when a road is under construction it takes some time and if any portion of it is not required, nothing is to be paid and it is on that account that this amendment has been brought forward. You are, by statutory law, going to lay down 6 per cent. If the law be so amended and a provision be made to the effect "not exceeding 6 per cent.", that will be far better for any one who is required to pay. I am not taking the case of the poor man into consideration, but dealing with the statutory law. Under the statutory law it will be obligatory on the part of a person who is required to pay if 6 per cent. is laid down. If the law be "not exceeding 6 per cent." then the power of the body will be a limited one. Now, suppose the body wants to reduce the amount under peculiar circumstances, it will be within its power to reduce it under peculiar circumstances, and the question, therefore, is whether the language as embodied in the clause can be modified or not. It is contended that unlimited powers should not be given to that body. Then again, the question is, interest on what amount? That is the principal item for consi-

deration. Interest on exemption fees of what land? That is a matter which is to be discussed. It is a question which ought to be argued on behalf of the person who is required to pay.

Now Mr. Addy expects the reduction of the interest in future. My contention is that he need not dwell on the matter. He must look to the question as embodied in the statute, leaving the discretion to a certain body of persons. That would be welcomed by those who are required to pay.

The Hon'ble Sir SURENDRA NATH BANERJEA: I had hopes, great hopes, that my friend Mr. Addy after his experience at the meeting of the Select Committee in regard to this particular matter, would profit by it, but I have been disappointed. Mr. Addy finds his case so hopeless that he tries to have recourse to an authority as old as a quarter of a century. Since then great changes have taken place in Calcutta, in our ideals and circumstances and in the conditions of this great city. However venerable that authority might be, I do not think it is binding upon us; we may treat it with respect, but at the same time we may claim for ourselves the right to use our own private judgment in regard to their dictum.

My friend raises the old cry as to the harshness of the exemption fees. Will that harshness be in any way relieved or minimised by reducing the percentage from 6 to 4 per cent.? I do not think that it will, and my friend Mr. Khaitan has pointed out that the effect of that reduction would involve a piece of positive injustice to the poor man. My friend Mr. Addy wants us to reduce the rate of percentage from 6 to 4. Let us for a moment examine the soundness of that suggestion. The Improvement Trust in the open market has to borrow at the rate of 6 per cent., but on its own money outstanding with the public, it is to receive 4 per cent. Where is the difference to come from? From the pockets of the poor; therefore, it will be a distinct injustice to the poor man if Mr. Addy's amendment is accepted.

We have heard a lot about the harshness of the exemption fees. For whose benefit are they levied? It is for the public benefit that the lands of an individual are improved by a public body at the public expense. Is it not right and proper that some compensation should be obtained from the persons whose property has been improved at the public expense? The equity of the case seems to me obvious and I am amazed that my friend does not realise it.

I hope the House will reject the motion standing in the name of Mr. Addy.

The motion was put and lost.

The motion that clauses 3 and 4 stand part of the Bill was put and agreed to.

PREAMBLE.

The motion that the preamble stand part of the Bill was put and agreed to.

The Hon'ble Sir SURENDRA NATH BANERJEA: I move that the Bill, as settled in Council, be passed.

The motion was put and agreed to.

The Bengal Tenancy (Utbandi Amendment) Bill, 1923.

The Hon'ble the MAHARAJADHIRAJA BAHADUR of BURDWAN: I beg to present the report of the Select Committee on the Bengal Tenancy (Utbandi Amendment) Bill, 1923, and to move that the said report be taken into consideration.

At this stage I do not propose to make any lengthy statement. In a Bill of this nature it was too much to expect an unanimous report of the Select Committee; anyhow on the whole, it is very gratifying to me that the Bill has emerged from the Select Committee in a form which is fair to both parties.

The motion that the report of the Select Committee be taken into consideration was put and agreed to.

Mr. PRESIDENT: Before the Council proceeds to the discussion of the amendments on this Bill it will simplify matters if I explain the procedure which will be adopted in dealing with these amendments. There are certain main points of difference which are scattered over the Bill, such as the question of the payment of premium and the manner of its realization and the question of costs. It is desirable that the main questions involved in these matters should be considered together in one debate so as to save the time and labour of the Council. I do not therefore intend to put this Bill clause by clause, but I shall take the amendments in the following order:—

First, Nos. 1 to 9 separately in the order in which they stand. Then Nos. 10, 16, 17, 18 to 21 and 22 and 23, thus disposing of the question of premium.

Then Nos. 11 to 15 and then No. 24.

The Council will then take up the question of the recovery of the premium and amendments Nos. 25 to 33 and 35 to 39 will be discussed in one debate.

No. 34 will then be taken unless the Council has rejected No. 25 in which case No. 34 will fall.

Finally Nos. 40, 41 and 42 will be taken thus completing the consideration of the Bill.

CLAUSE 1.

Kumar SHIB SHEKHARESWAR RAY: I move that for clause 1(2) the following be substituted, namely:—

"(2) It extends, in the first instance, to the districts of Nadia and Murshidabad, but the Local Government may, by notification in the Calcutta Gazette, extend it to any other place in Bengal."

[At this stage, Mr. President left the Chair and Mr. Deputy-President took the Chair.]

For all practical purposes my amendment does not differ materially from the provision made in this Bill. The proposed clause wants to extend the Act at once to the whole of Bengal, whereas my amendment wants to limit its scope in the first instance to the districts of Nadia and Murshidabad and leaves it to the discretion of the Government to extend it to any other place in Bengal whenever they think it necessary to do so.

My reasons for this slight modification are these. The Utbandi system is a peculiar feature of the districts of Nadia and Murshidabad. In these districts the prevalent system has been thoroughly investigated and apparently the Government is satisfied that it should be overhauled and placed on a sounder basis, and the provisions made by the Government are based on the results of its inquiry in these two districts. Then, Sir, the Bill was referred to a Select Committee composed mainly of representatives of these two districts; also opinions on the Bill were invited from the officials and non-officials of the districts of Nadia and Murshidabad and a few other neighbouring districts. Now, Sir, it is hardly fair to other districts in Bengal to impose upon them a measure which has a special application to the peculiar conditions of the two districts and is clearly designed to deal with a state of affairs which is prevalent there alone. The main reason of the complexity and unpopularity of the Bengal Tenancy Act is that while conditions differ widely from district to district the Act was designed to provide a uniform land system throughout the province of Bengal. This was, I may say, absurd on the face of it. We are now trying to amend the Act so that the peculiar land system in the different parts of the province might be adequately dealt with in our amending Act. In these circumstances we shall be only adding to the confusion if we again experiment with grafting the indigenous land system of one locality on to the other parts of Bengal. I therefore move that the provisions of the Bill should apply to those places only where they are really applicable. If

after further inquiry, Government is satisfied that they should apply to some other places too, I leave it entirely in the hands of the Government to extend the Act to those places also.

Rai JOGENDRA CHUNDER GHOSE Bahadur: I beg to support the amendment which is proposed by Kumar Shib Shekhareswar Ray. His is a very modest proposal. He leaves it to the Government to extend the operation of this Act to any district, other than Nadia and Murshidabad. It cannot hurt anybody in the least, but we must take into consideration that the people are a little apprehensive that *khas khamar* lands in other districts may be called *utbandi;* therefore, in order to allay the legitimate apprehension of the people that there may be mistakes, it is desirable that before the Act is extended to other districts, Government should consider the condition of those districts. Whether there is any *utbandi* in other districts or not, we do not know yet. Why then should there be any objection to this innocuous amendment of the Kumar Sahib?

The Hon'ble the MAHARAJADHIRAJA BAHADUR of BURDWAN: Rai Jogendra Chunder Ghose Bahadur has implied that there will be an objection. How did he know that there would be any objection? The point is a simple one and it does not make any difference whether we accept the amendment or not, because Government is not likely to extend the provision of this Bill to districts where there are no *utbandi* lands. However, on behalf of Government, I am willing to accept the amendment in a modified form, because we have evidence that there is *utbandi* land in the district of Jessore. Therefore, I am willing to accept the amendment in the following modified form:—

"(2) It extends, in the first instance only to the districts of Nadia, Murshidabad and Jessore, but the Local Government may, by notification in the *Calcutta Gazette*, extend it to any other district or part of a district in Bengal."

Kumar SHIB SHEKHARESWAR RAY: I am willing to accept the modified form of the amendment.

The motion was then put and agreed to.

CLAUSE 2.

The following motions were, by leave of the Council, withdrawn:—

Babu SATISH CHANDRA MUKHARJI: "That in clause 2, proposed section 180A(2)(*a*)—

(*i*) in line 6, the word 'or' after the word 'otherwise' be omitted; and

(*ii*) at the end of this section the following proviso be added, namely:—

'Provided that a fixed court-fee of two rupees shall be payable in respect of applications made for fixing an uniform annual money rent, or.'"

Kumar SHIB SHEKHARESWAR RAY: "That in clause 2, for the proposed section 180A(*2*) the following be substituted, namely:—

"(*2*) The application shall include all the lands in the same village and under the same landlord—

(*a*) which the raiyat holds as *utbandi* land or,

(*b*) which he or any deceased person whose heir he is, had held as *utbandi* land at any time during the preceding period of six years, if he or the said deceased person is or was the last person to have cultivated the land, provided that he or the said deceased person has or had not acquired a right of occupancy therein.'"

SECRETARY to GOVERNMENT, REVENUE DEPARTMENT (Mr. M. C. McAlpin): I move that in clause 2 in proposed section 180A (*2*)(*b*) in line 10, for the words "and has or had not acquired" the words "and has not or had not acquired" be substituted. This is a mere drafting amendment.

The motion was put and agreed to.

The following motion was, by leave of the Council, withdrawn:—

Kumar SHIB SHEKHARESWAR RAY: "That in clause 2, for the proposed section 180A(*6*) the following be substituted, namely:—

'(6) The officer may reject the application if he is satisfied, in view of all the circumstances of the case, that it is unreasonable to grant it:

Provided that a refusal shall be no bar to proceedings being again taken under this section after five years from the date of refusal if in the opinion of the officer who then received the application the circumstances have in the meantime changed.'"

Kumar SHIB SHEKHARESWAR RAY: I move that in clause 2, proposed section 180A (*6*), lines 3 and 4, the following words be omitted:—

"in whole or in part in respect of such lands."

The clause as it stands is a source of real danger to the landlord. Under its provisions the landlord runs the serious risk of being saddled with all the bad lands in his estate. Under the *utbandi* system when making settlements the landlord takes pretty good care to lease out both good and bad lands. But under the provisions of this clause it will be always possible for a tenant to make out a good case for the exclusion of bad lands and knowing as we do the ways of our officials there is every likelihood of a decision in favour of the tenants almost in every case. This, I should say, would be most unfair to the landlords. If a tenant wants to convert his *utbandi* lands into occupancy right lands it is only meet and proper that he should take all lands which he held under the *utbandi* system irrespective of their quality or quantity. And the law should be very clear on the point leaving no room for the perpetration of an act of injustice on the landlords at the sweet will of a prejudiced official. Sir, let us examine what the real intention of the proposed legislation is. This legislation has been undertaken with the avowed intention of giving a stable right to the tenant. It has been decided that the *utbandi* raiyats should be cleared as occupancy raiyats. It has not got anything to do with the quality or quantity of the land. It is the contention of the tenants that they had a sort of permanent right in the land though they paid rents only for the plots which were cultivated in any particular year. In the circumstances the only question before the legislature is to provide for a measure which would enable the executive in the case of a dispute to determine a fair rate of uniform rent. Such being the case, Sir, it would be a pure and simple transgression of the whole spirit of the thing if we now vest the officials with a power to decide what plots of *utbandi* lands of a tenant should constitute his occupancy holding. Sir, even in the case of an occupancy holding it is the inherent right of the landlord to decide what the holding should consist of and determine its rent. It is enough that the right of determining the rent is being taken away from him. It would be most unfair to him if it be further proposed to leave the composition of the holding in the hands of the officials. I strongly protest against this proposal. Either the tenant must take a settlement of all the lands held by him under *utbandi* system or should not take anything at all.

Khan Bahadur Maulvi WASIMUDDIN AHMED: I beg to oppose the amendment moved by Kumar Shib Shekhareswar Ray. Under the present *utbandi* system a tenant as a rule cultivates only a portion of and leaving out the rest which may be in his name. Now the zamindar may apply for the settlement of the portion of the land which the enant never cultivated and for which he paid no rent. In my opinion t is not desirable that the tenant should be made to pay rent for the land hich he does not cultivate.

[At this stage Mr. President returned to the Chamber and took the hair.]

Rai JOGENDRA CHUNDER GHOSE Bahadur: I beg to support the amendment proposed by Kumar Shib Shekhareswar Ray upon the simple ground, that when the landlord cannot split up a tenure why should the court have the power to split up that tenure. The application is made in respect of a tenure and it must be either rejected in full or not at all. Why should this right be given to the tenants which is against the interests of the landlords? By this the tenants would be allowed the advantage of keeping lands that are good and of giving up those that are bad. Ordinarily they cannot do this now and I do not see any reason as to why they should be allowed this advantage. The case made out by Kumar Shib Shekhareswar Ray is a very strong one and I support him.

Mr. SYED ERFAN ALI: I beg to oppose the amendment because I know *utbandi* lands are generally very bad lands. I should like to emphasise my arguments by quoting from an official document. This is a note by Mr. Finucane written in 1902. He says "the same individuals usually hold some land on the *jamai* and some on the *utbandi* system in one and the same village or estate; but I can find no clear elucidation of principle on which the village lands have been divided into *jamai* and *utbandi* lands, respectively. In point of fact, there appears to be no such principle. One would be inclined to suppose on a *priori* considerations that the lands situated in close proximity to village sites and lands enjoying superior advantages of fertility, which have been under cultivation from time immemorial, would constitute *jamai* lands held on the same tenure as ordinary raiyati land elsewhere, and that the *utbandi* land would consist of the outlying poorer lands, which require periodical fallowing for renovation. In fact, however, it is reported that there is generally no difference between the quality of *jamai* and *utbandi* land, and that even village sites are sometimes held on the *utbandi* system. It might also be supposed that the *utbandi* lands being *ex hypothesi* of inferior quailty, the rent paid for them would be less than that paid for *jamai* land, but, in fact, the rent rates paid for *utbandi* are double those paid for *jamai* land." Of course *utbandi* lands are generally very poor class of land and if the *utbandi* lands are going to be settled, I think, there would be nothing left out of the *utbandi* tenure. So I oppose the amendment of the Kumar Shib Shekhareswar Ray.

The Hon'ble the MAHARAJADHIRAJA BAHADUR of BURDWAN: A great deal of energy has been wasted upon this discussion. Originally this was put in really for the benefit of the landlords and the principle that the Select Committee accepted was that an application should be in respect of all lands. Therefore the words "in whole or in part" in the opinion of Government should go out, but not the words "in respect of such lands," and I am therefore willing to accept the amendment so far as the omission of the words "in whole or in part" is concerned.

The motion, as amended, was then put and agreed to.

The Hon'ble the MAHARAJADHIRAJA BAHADUR of BURDWAN: In view of the acceptance of the last amendment, I ask permission to move a more or less formal amendment in order to correct any mistakes that might be made in an application under this sub-section. We are advised that this amendment is necessary. I accordingly beg to move the following amendment:—

"That in clause 2, after the proposed section 180A (*13*), the following be inserted, namely:—

'(13 *a*) An application made under sub-section (*1*) may be amended if it appears at any time to the officer prior to the issue of the order under sub-section (*6*) or sub-section (*7*) or to the appellate or revisional Court that it does not comply with the provision of sub-section (*2*), but that it can be brought into conformity with that sub-section. Such amendment may be made either on the initiative of the parties or either of them or of the officer or Court, but it shall not be made unless prior notice thereof is given to the parties, and, if such amendment is made, it shall be made only on such terms or conditions as to such officer or Court shall appear to be just."

The motion was put and agreed to.

The Hon'ble the MAHARAJADHIRAJA BAHADUR of BURDWAN: I move that in clause 2 in the proviso to the proposed section 180A (*6*), line 5, for the word "received" the word "receives" be substituted.

This is only a verbal amendment.

The motion was then put and agreed to.

The following motion was not put, as it was covered by the foregoing decision of the Council:—

Kumar SHIB SHEKHARESWAR RAY to move that in clause 2, for the proposed section 180A(*7*) the following be substituted, namely:—

"(*7*) If the application is not rejected, the officer shall then determine the sum to be paid as a uniform annual money rent and also a premium to be paid to the landlord, and he shall order that the raiyat shall, in lieu of paying the rent for the land as *utbandi* land, pay the sum so determined and the premium, if any."

Mr. M. C. McALPIN: Will not the next motion fail, Sir; having regard to the wording of sub-section (*6*)?

Mr. PRESIDENT: No, I think not; "rejected" here must mean "wholly rejected" not "partly rejected." The word "wholly" is superfluous, and can be struck out if the Council so desires.

The following motion standing in the name of Kumar Shib Shekhareswar Ray was then put, and agreed to:—

"That in clause 2, proposed section 180A(7), line 1, the word 'wholly' be omitted."

The following motion was not put as it was covered by the foregoing decision of the Council:—

Rai MAHENDRA CHANDRA MITRA Bahadur: "That in clause 2, in the proposed section 180A(7), line 1, the words 'If the application is not wholly rejected' be omitted."

Mr. SYED ERFAN ALI: I move that in clause 2, proposed section 180A(7)—

(*i*) in lines 3 to 6, the words "and also in the case of lands in which the raiyat has not acquired occupancy rights, a premium to be paid to the landlords" and

(*ii*) in lines 9 and 10, the words "and the premium, if any" be omitted.

In moving this amendment I should like to point out how the *utbandi* system has ruined the poor tenants and how the zamindars have all along been taking advantage of the system. I have also said in my note of dissent that the tenants of the *utbandi* lands are invariably on the land for generations whether the land be under regular cultivation or occasionally lying fallow and that there was no doubt that the tenants of *utbandi* lands would have got the occupancy right long before but for the section 180 of the Bengal Tenancy Act. Under the cover of this section the zamindars are all along taking special advantage over the poor tenants. They have been realising not only double or treble of the rent which is due for the *jamai* or the better class of lands, but also realise from the tenants different kinds of *abwabs*. They have paid enough or rather more than enough of what was really due for much inferior class of land; and they are debarred from acquiring the occupancy right on the land on the simple plea of section 180. In these hard days, it will be much harder for them if anything is imposed on them in the way of premium or *salami* even a pie above the reasonable and equitable rent. It is admitted on all hands that the *utbandi* lands are far too inferior to that of the *jamai* land. Is it then at all fair to saddle the poor tenants with unnecessary premium when after generations of subjection and possession of the same land they are going to get their rights which are long overdue? In my opinion the imposition of any kind of *salami* means giving them a so-called right with one hand and taking it back with the other; as there is hardly one per cent. of the tenants who are able or in a position to pay anything in the way of *salami* to the zamindars. I can multiply with hundreds of quotations from the reports of responsible officials of the Government to prove the fact that the tenants are on the same land for

generations and the lands are far too inferior to that of the settled or *jamai* lands and the rents of the *utbandi* lands are also much higher than those of the *jamai* lands, but I refrain from doing so as that would mean so much waste of your valuable time. And it is a well-known fact that the right which we are going to give to these poor and subjected tenants are overdue not for a year or two, not even for a half a century but it is rather due over a century. I shall simply ask this Council to support my amendment not only wholeheartedly but with definite sign of showing the sincere feeling and sympathy for ameliorating the condition of the poor and much oppressed tenants of Nadia and thereby pave the way to creating good feeling and harmony between the zamindar and the raiyats in that part of the country. With these few words I move the amendment for your kind acceptence.

Khan Bahadur Maulvi WASIMUDDIN AHMED: I beg to support the amendment moved by Mr. Syed Erfan Ali. There seems to be an impression in some minds that the *utbandi* tenants, when they are going to get occupancy rights, are going to get something which is very valuable and for which they should pay some premium. But as a matter of fact it is neither an unmixed good nor an unmixed evil. Under the present Bill the right of application has been given both to the tenant and the landlord. Therefore, in some cases the landlord may find it convenient to get uniform rent; as under this system the landlord may apply for settlement of rent for lands for which he does not get rent. Under the present law ordinarily the right of occupancy is giving to a tenant by the afflux of time, i.e., when a tenant in a particular village goes on occupying land for 12 years he is considered to have acquired the status of a settled raiyat in the village and he is not liable to pay any premium or anything else. Under the present system no new land is going to be given to the tenant, but simply uniform rent is going to be fixed on all lands whether cultivated or not. Thus in most cases it is going to be beneficial to the landlords. Under this system the landlords will also be saved the trouble and expense of measuring the lands every year. As they will thus be greatly benefited there is no justification for giving a premium to the landlord.

Kumar SHIB SHEKHARESWAR RAY: It is said that love makes one blind. No one can dispute the fact that the milk of human love is at the present moment overflowing in the breast of our esteemed friend Mr. Syed Erfan Ali. It is therefore no wonder if we now find him groping in the dark stumbling over all sorts of inconceivable things, such as *abwabs*, extortion, and all that. He has our sympathy and let me try to enlighten him. He has referred to his note of dissent in which he has made long extracts taken at random from official records. But do they help him in the least to sustain his preposterous claim? At most they only prove that at some time or other the same lands have been held by the same tenant and his ancestors. This surely does not prove that the

landlord has not the right to terminate the lease on its expiry. Do not the same conditions apply to the system of *bhagchas*? Are there no authoritative pronouncements emanating from the same quarter on which so much stress has been laid by the mover, to the effect that the same lands are cultivated by the same tenants for generations together on the system of *bhagchas*? Why is it then that our learned friend of the raiyats, the very Mr. Syed Erfan Ali, raised a howl over the contemplated abolition of *bhagchas* system and took the credit for prevailing upon the Government to drop the proposal? What is sauce for the goose is sauce for the gander. What was the most reasonable argument with the raiyat-bandhu in the days of the landlords of the *bhagdars* should surely be the most reasonable argument in the case of the landlords of the *utbandi* raiyats unless reason is a volatile commodity in my friend's constitution.

The very fact that the present Tenancy Act has a distinct section embodied in the Act, section 180, which clearly lays down the incidents of *utbandi* holding is sufficient to indicate that there exists a special system of land settlement, namely, the *utbandi* system. Sir, let me read out the section to the House:—

Notwithstanding anything contained in this Act a raiyat, who in any part of the country, where the custom of *utbandi* prevails, holds lands ordinarily let under that custom and for the time being let under that custom (1) shall not acquire a right of occupancy until he has held the land in question for twelve continuous years, and (2) until he acquires a right of occupancy, he shall be liable to pay such rent for his holding as may be agreed on between him and his landlord.

This section was embodied in the Act in full view of the opinion expressed by the then Lieutenant-Governor which my friend has taken the trouble to place before the House hoping as if the present Council would be convinced by an argument which found no favour with one of its predecessors. If further proof be needed of the antiquity of the special system of *utbandi*, permit me to read to the House the opinion expressed by Mr. Montresor, the Special Commissioner, appointed in 1861 to examine the system. He describes it as follows:—

The *utbandi* tenure apparently has its orgin in this district and is peculiar to Nadia. There is in almost every village a certain quantity of land not included in the rental of the raiyat and which, therefore, belongs to the recognised proprietor of the estate.

Then, Sir, let me refer to the judgment of Sir Comer Petheram in the course of which the *utbandi* is explained by him as follows:—

Now it is necessary to inquire what this *utbandi* system really is, for there seems to have been some difference of opinion regarding it, ... *utbandi* is applied to the land held for a year, or rather for a season only. The general custom is for the husbandman to get verbal permission to cultivate a certain amount of land in a particular place at a rate agreed upon when the crop is on the ground. The land is measured and the rent is assessed on it. Mr. Cotton says too that the *utbandi* raiyat abandons altogether (i. e.) has no right to claim again any land, except such as he has under cultivation in any given year. The zamindar may let in *jama* to someone any land which the *utbandi* raiyat has not got under cultivation in any year. .... The cultivators acquire no right of occupancy, nor do they desire to do so.

Then comes the important pronouncement of another Lieutenant-Governor of Bengal—Sir John Woodburn who says—

> The system though theoretically unsound, is practically unobjectionable; it is of great antiquity, it has its champions; and no one contends that the need for change is acute.

Last of all comes the admission of the present Government of Bengal. Mr. McAlpin on behalf of the Governor in Council writes thus to the British Indian Association:—

> If the landlords and tenants would compromise on the question, the tenant should receive a legal permanency in return for which he should render the landlord whatever monetary advantage in the shape of *salami* may be equitable.

I would like to know what would Mr. Syed Erfan Ali or men of his way of thinking would say in the face of these pronouncements. There is not the least doubt that the *utbandi* lands are the proprietor's private lands and he can settle it in any way he likes. It certainly does not take away his right of absolute proprietorship if he has chosen to settle the same land with the same tenants for years together.

But, Sir, we do not want to sit tight on our rights. We are fully alive to the public feeling in the matter. And that is why we agreed to the broad principles of the Bill when we permitted it to be referred to the Select Committee without a single note of dissent. And one of those principles was that we should be given adequate compensation in the shape of *salamies* or premium. It is now too late in the day for Mr. Syed Erfan Ali to say that they would not accept one of the basic principles of the Bill on which the whole compromise was brought about by the Bengal Tenancy Committee, and adopted by the Government when it decided to bring forward an official measure on the subject. There is now only one of the two alternatives left to him. He is either to accept the principle or see the whole thing shelved. The Government surely cannot go back on its assurance now. Sir, I am opposed to the amendment moved by Mr. Syed Erfan Ali.

Raja RESHEE CASE LAW: This amendment aims at the abolition of the premium proposed to be paid to the landlord. It is very unjust that the landlords should be deprived of their premium which they in justice and equity can claim for parting with a valuable right of ownership they possess in the land as zamindars, It is an one-sided amendment. The Legislature must look to the benefit of both the landlords and the raiyats. It is moreover very difficult to understand upon what principle a right of occupancy in a land in which the right of occupancy has not actually accrued is going to be given in this *indirect* manner: this will be an abuse of legislative power. If the right is to be given in this indirect manner, the premium must accordingly be proper and adequate. I therefore oppose the amendment.

The following amendment was, by leave of the Council, withdrawn:

Rai MAHENDRA CHANDRA MITRA Bahadur: I wish to withdraw my motion that in clause 2, in the proposed section 180A (*9*), for the words "three times" in the two places where they occur, the word "twice" be substituted.

Maharaja KSHAUNISH CHANDRA ROY Bahadur: I move that in clause 2, in the proposed sub-section 180A (*9*), for the word "three" in the two places where it occurs, the word "five" be substituted.

The amendment which stands against my name, when looked into carefully, is a very simple one being that of adjustment only, the principle involved having been accepted as quite correct on all hands at the second reading of the Bill. It is admitted that the landlord has an equitable right to claim compensation for the parting with a right in favour of the raiyat which the latter did not, and could not, possess. The question is how much can the landlord justly claim and what is fair for the tenant to pay. The compensation in the shape of *salami* has been mentioned in the Bill as a sum being three times the assessed rental. I beg to submit that it is inadequate and should be at least five times. Some of the Judicial Officers have very carefully considered the matter and the advantages or otherwise of the landlord and have justly recommended a higher *salami* than that proposed in the Bill. My proposal of the *salami* being five times such rental is not an extortionate one. the *utbandi* raiyat, as a matter of fact, does pay this much, or more, in two or three settlements without acquiring any right whatsoever. Nor is there any unduly hard incidence of payment if he is now required to pay what he is actually paying since payment by instalments has been provided for. In making settlement of their *khas* land the landlords get competitive rent and *salami* which is usually from 10 to 15 times the rent. *Utbandi* lands are nothing but the landlords' *khas* lands. A reference to the "Bengal District Gazetteer" (Nadia—pp. 112-113) will clearly prove this. The Kumar has already drawn the attention of the House to this. The earliest authoritative account which we get, as quoted therein, is that of 1861, when the special Commissioner, Mr. Montresor, described the system as follows.—

> The *utbandi* tenure apparently has its origin in this district and is peculiar to Nadia. There is, in almost every village, a certain quantity of land not included in the rental of the raiyat, and which, therefore, belongs directly to the recognised proprietor of the estate. This fund of unappropriated land has accumulated from deserted holdings of absconded tenants, from lands gained by alluvion, from jungle lands recently brought into cultivation by persons who hold no leases, and from lands termed *Khaskhamar*, signifying land retained by the proprietor for his household."

When the present Bengal Tenancy Act was under consideration by the Select Committee a memorandum by the late Sir Henry Cotton, then a Secretary to the Board of Revenue, was submitted by the Government of Bengal for the information of the Select Committee. Sir Henry here

reports upon the *utbandi* system and transcribes the passage describing it in the Statistical Account of Bengal. The following is found therein:—

Utbandi is applied to land held for a year or rather for a season only. The general custom is for the husbandman to get verbal permission to cultivate a certain amount of land in a particular place at a rate agreed upon when the crop is on the ground. The land is measured and the rent is assessed on it.

Sir Henry says too that the *utbandi* raiyat abandons altogether (*i.e.*, has no right to claim again) any land except such as he has under cultivation in any given year. The zamindar may let in *jama* to some one any land which the *utbandi* raiyat has not got under cultivation in any year. Under the *utbandi* system the tenant is merely a temporary tenant-at-will having no lien on the land. But under the proposed Bill he will be a full-fledged tenant as contemplated by the Bengal Tenancy Act and on top of that he will acquire accelerated right of occupancy. These are undoubtedly distinct advantages to the tenant. On the landlords' side he hardly gets any real benefit. However, the landlords as a body are agreeable to part with their existing legitimate rights, but what they demand in return is a fair and adequate compensation. As a matter of fact, the landlords do get a premium of about twice the rent for even a temporary *utbandi* tenancy for a term of 3 to 5 years. This income is a recurring one whenever new settlement is made. But under the Bill this premium will have to be paid once for all and that too by spreading it over three years. Calculating the present worth, it comes to less than 2½ times the rent and my amendment for five times the rent really comes to less than four and a half. With a view to make the Bill a successful piece of legislation and beneficial to the tenants it ought to be our aim to secure the co-operation and contentment of both the landlord and the tenant. The Bill is admittedly a pro-tenant legislation. The advantages weighed in the balance are mostly in favour of the tenants. He has nothing to lose but everything to gain; whereas the landlord is made to part with his valuable rights. I may be permitted to mention that the Bengal Tenancy Act Amendment Committee have recommended six times the rent as premium for mere recognition of the transfer of an occupancy holding. It would be hardly equitable that a person who never was a regular tenant, far less enjoyed occupancy right at all, should acquire such rights straight away on payment of only three times the rent.

I would only mention an analogy, if I may, bearing on the commercial aspect of the question. Assuming that the authorities in their laudable endeavour to befriend the consumers of commodities required the manufacturers or merchants to sell their goods at an average price based on, say, six years' pre-war prices, I am sure the Chambers of Commerce, the respective Associations and other bodies and individuals would not accept the blow lying down. And the fact should not be lost sight of that the premium in their case is merged in the profit which is

perpetual and not once for all. The results of land laws are far-reaching, affecting on the economic and social life of the people. Security and justice should be their only sense.

With these remarks I beg to place my amendment for acceptance before the House.

Babu AMULYA DHONE ADDY: It is proposed under the Bill to grant concessions to raiyats who have been paying rents in kind. Under this Bill, the tenant, if he likes, can have the rent in kind converted into money-rent which would be less than the market value of the rent in kind. Under this Bill he will also get the occupancy right. Therefore, it appears that a material concession is going to be given to the raiyats. The amount of premium has been fixed at three times the annual rent. It is quite insufficient. As will appear from the note of dissent of the Maharaja of Nadia that generally the landlords get ten times the rent as premium. But in this Bill you are making the premium only three times the rent. I however suggest that if instead of three times or ten times, we make the premium as five times, the rent it will be fair both to the landlords and the tenants. Sir, it appears from the collection of opinions that the Rajas of Naldanga and Nashipur are in favour of fixing the premium at five times the rent. It may be said that they are interested parties. But I find that the Deputy Collector of Malda and the Collector of Bogra are also of this opinion. It also appears that the District Judges of Pabna and Nadia and the Munsiff of Kushtea have expressed themselves in favour of five times the rent as premium. My esteemed friend Mr. Syed Erfan Ali expressed the opinion that no premium should be charged. But I find that even the Raiyats' Association of Bellapukur do not make a suggestion of this kind. They have suggested that the premium may be equal to one year's rent. So it appears that Mr. Syed Erfan Ali is more anxious than the raiyats themselves in this matter.

Mr. PRESIDENT: But where is Bellapukur? Is it anywhere near Calcutta?

Babu AMULYA DHONE ADDY: It must be in one of the districts affected. Their views are printed in the collection of opinions. However, I beg to submit that, while we are giving concessions to the raiyats, we should see that the rate of premium is fixed in such a way that it would be fair both to the landlords and the tenants.

Raja RESHEE CASE LAW: I beg to support this motion which also stands in my name.

In sub-clause (*9*) of clause 2, the amount of premium, say three years' rent, is quite inadequate. Raiyats who have not acquired right of occupancy will have their uniform annual rent settled at once and will be free from eviction. Though 12 years' rent is paid by a raiyat when he

acquires right of occupancy after 12 years' possession of a raiyati holding, yet considering the fact that the raiyat is an *utbandhi* raiyat under the landlord for some time, at least 5 years' rent ought to be the premium which is not at all high nor an unjust estimate of what he has to pay in order to acquire a right of occupancy. Generally 10 years' rent is considered fair when a raiyat is given a higher status, and the ordinary non-occupancy raiyats are liable to pay any fair enhancement demanded by the landlord and are liable to be ejected on refusal to pay it.

Babu SURENDRA NATH MALLIK: My friends here seem to think that I am rather out of place in having a similar motion in my name as I am not a big zamindar like the Maharaja of Nadia nor a tenant like my friend Mr. Syed Erfan Ali. But, Sir, that is all the more reason why I should be here. I think I am a person who can take a detached view of the case. Sir, I am not a landlord and never hope to be one on this side of the grave and I have no wish to be a tenant. I considered my position at the request of friends and I was convinced of the fairness of the claims of the landlord, and therefore, I sent in my present motion. Sir, after considering the matter and after hearing my friends, particularly the Kumar Sahib, I still think that in granting a concession to the raiyat you are not doing justice to the landlord. Landlords might be a bad set of people, but that is no reason why you should not do justice to them. The question is what these *utbandi* people are going to get. It is admitted that they are going to get a valuable right and they are going to get it under a very peculiar procedure, but there is no reason why they should not pay. We should be just to all—be they landlords or be they tenants. What reason is there that the landlords should not get an adequate payment? They are the persons who are certainly losing something and the gain is all on the side of the tenants. It has been said by an hon'ble friend that the zamindars are not going to lose anything. If that is so, then why are you so anxious to get it out of them? It is certain that somebody is going to lose and somebody is going to be a gainer. Let the whole thing be done in a just, honest and fair way. It is not fair to take valuable rights from zamindars without making an adequate payment for the same. I find also that in this matter some of the mufassal Judges are with the landlords. They think that three times the rent is not sufficient as premium. I submit that the opinions of these officers are entitled to great weight. They are impartial persons and they have been dealing with these cases all along. Nobody is more competent to pass opinions on a matter like this than these gentlemen.

There is another point. It has been proposed—and it is a good idea although my Hon'ble friend Mr. Mitter is opposed to it—that the premium may be paid in instalments. If that is going to be done, then it is all the more reason why you should pay more. You are going to pay by instalments. That means more trouble to landlords; and that is why you should pay more.

May I also throw out a suggestion to the Hon'ble Member in charge in this connection? I understand from some of my non-official friends that conditions vary in different districts so far as this matter is concerned. I do not know whether the Hon'ble Member in charge will not be in a position to consider whether it would not be better to have the words "an amount not exceeding five years' rent" in place of the three years' rent. That would make it possible to determine the amount to be paid in different districts according to their respective conditions. It is only a suggestion. And apart from that I beg to support the motion whole-heartedly.

Kumar SHIB SHEKHARESWAR RAY: In view of what the previous speakers have said, I have very little to say, but I would point out that under the present Bengal Tenancy Act, even when an occupency holding is transferred, the transferee ceases to have any right of occupancy in the land. If he chooses to secure that right, he has to pay a heavy premium to the landlord. The Bengal Tenancy Committee recently appointed by Government in recommending the recognition of the transfer of the occupancy holding has proposed a premium of six times the rent of the transferred land to be paid to the landlord. In view of this recommendation of the Committee, it is hardly fair that a person who never enjoyed the right of occupancy in respect of *utbandi* lands should be permitted to acquire that right on payment of a premium of only three times the rent, the present worth of which, as the Maharaja of Nadia has already pointed out, is only about 2½ times because the premium has to be paid in three annual instalments. I should therefore appeal to the House to be fair to the landlords. If the Council really want to confer a boon on the *utbandi* tenants and encourage the abolition of the *utbandi* system of tenancy, it should be careful to secure the good-will, co-operation and sympathy of the landlords. If the landlords are dissatisfied and feel aggrieved no amount of legislation would be able to protect those who most need protection. It might protect a few well-to-do tenants but not the average tenants. I make bold to say that an unjust piece of legislation would only goad the landlords to have recourse to unfair means. Human nature will never submit meekly, especially when the aggrieved party is rich and well-to-do, to arbitrary infliction of injury. The premium ought to be such as would make it worth their while to accept it instead of resorting to underhand and obstructive means. Well, Sir, I thought that my amendment would be more in keeping with the principle and policy adopted by the Bengal Tenancy Committee but the Maharaja of Nadia, as a sort of compromise, has made it five times only. As he is most directly connected with the district of Nadia, I do not think I should go against his amendment and press mine. If you would permit me, I would withdraw mine.

Mr. PRESIDENT: You have kept your secret very well until the end. (Laughter.)

The following amendment was then by leave of the Council withdrawn:—

Kumar SHIB SHEKHARESWAR RAY: "That in clause 2, proposed section 180A (*9*), for the word 'three' in the two places where it occurs the word 'six' be substituted."

Rai MAHENDRA CHANDRA MITRA Bahadur: I wish to intervene in the debate. I put a motion that the premium ought to be twice the rent, but I withdrew it and for good reasons. Although this motion was sent in, I thought it desirable to stick to the view which the Select Committee has supplied us. Now on the side of the landlords it is contended that the premium should be five or six times which I consider very unreasonable. It is said that there is a happy relationship between the landlord and the tenant, and, if so, the landlord ought to consider what reasonable amount the raiyat is in a position to pay. Do not be hard on the raiyat. Therefore, in that view, if the motion for increasing the premium by five or six times be allowed, the next question will be—are the raiyats in a position to pay that amount or not? I do not raise academic questions before the Council as to the relationship between the landlord and the tenant. If we go back to the early history of how the legislation of Act X of 1859 was drafted by the Indian Legislature, it will appear that great regard had been shown to the interest of the raiyats, or else we would not have got that Rent Act of 1859. The same principle was enunciated when the Act of 1869 was taken into consideration by the Legislature. It is now too late to discuss all these questions. If we go back to historic times when Regulation VIII of 1793 was enacted, we find that the first principle that was adopted by the Legislature of the day was that the interest of the raiyat was taken into consideration. Now, leaving all these questions aside, we ought to come forward with a reasonable proposition, namely, how far the raiyat has the ability to contribute, and my submission is that I am ready to accept three times the rent which is the considered opinion of the Select Committee—and I find a happy combination of the members of the Select Committee, on which both the raiyats and landlords were represented. I am not going to adopt the view expressed by Mr. Syed Erfan Ali that no premium is to be paid. If we do that then certainly we will do injustice to the landlords. Considering all these circumstances, I am in a position to assert with a degree of confidence that three times the rent should be viewed as the legitimate premium, and if the landlords want more there will be hardship on the raiyats. Then the whole question of the advisability and desirability of having an Utbandi Amendment Act will not come to a success. A mere drafting, Your Honour, an Act——

Mr. PRESIDENT: You are not in Court, Rai Bahadur.

Rai MAHENDRA CHANDRA MITRA Bahadur: Having breathed the air of the Court for so many years, I am afraid that sometimes words which are not consistent with the language or dignity of the Council slip from my tongue. I submit, Sir, that in a matter like this mere putting the Act into motion by the Council is not sufficient. You will have practically to carry out the very clauses which have been enunciated here and you will find difficulty when they would be put into effect. Hence it is reasonable and proper that the premium of three times the rent should be accepted.

Rai JOGENDRA CHUNDER GHOSE Bahadur: Sir ——

Mr. PRESIDENT: Rai Bahadur! There is a dangerous tendency to repetition manifesting itself. I must ask you to help me in developing a new line of argument.

Rai JOGENDRA CHUNDER GHOSE Bahadur: When I came here this morning, I was prepared to support the amendment that five times the rent should be the premium. Since then, I had half an hour's quiet time to think over it and I see now that there is absolutely no reason or justice in the demand of the landlords that there should be any premium paid. Sir, the section as it is, runs thus:—

> In making the determination of the sum to be paid as rent, the officer shall calculate the average of the amount that was actually paid or payable as rent for the land during the previous six years and shall ordinarily declare the same as the sum to be paid as rent.

What more can the landlord demand? What right has he after this to demand a premium? Under section 40 of the Tenancy Act when rent is commuted from produce rent to money rent, no premium has to be paid. I am myself a landlord and I am not a socialist, but justice should be done. We ought not to make Bengal another Ireland. We must do justice, justice first, justice second, and justice last. If you get the proper rent on commutation, what right have you to get a premium in this case when you do not get a premium under section 40 when produce rent is commuted to money rent? It is the same thing here and it is nothing more than a commutation of produce or money rent to a fair rent. And what is the fair rent? The average rent which has been paid for the last six years is the fair rent according to the proposed law. It really takes my breath away to hear that the landlord should in justice get three or even five times the existing rent. What right has the landlord to get this premium? I am fully conscious of the fact that this Council is landlord-ridden, but I demand that everyone of the landlords here should be just. You must be equitable and just. Self-interest makes us blind, but blindness leads to ruin. You must remember that the day is coming when the tenants of this country will predominate this Council. Now they do not know their rights but they will know their rights some day.

Raja RESHEE CASE LAW: You and I will not be here then!

Rai JOGENDRA CHUNDER GHOSE Bahadur: Yes, you and I may not be here, but then we must look to the day when the landlords shall have to ask justice from them. Now we are to see that we do justice to them. Therefore, Sir, I submit that the landlords have no right whatsoever to demand any premium.

Mr. SYED NASIM ALI: I rise to support the amendment of Mr. Syed Erfan Ali and to oppose the amendments which intend to increase the premium from 3 to 5 times the rent. It has been argued that the new Act would give the raiyats an advantage which they did not possess, and therefore, it is absolutely necessary that in view of such advantage some sort of compensation should be paid to the landlord; but if we look to the sections we find that the landlord would not in any way suffer for this simple reason that in determining the rent the officer would calculate the average of the rent that was actually paid or payable as rent for the land during the previous six years and shall ordinarily declare the same as the sum to be paid as rent. Further, the officer will also take into consideration the average rates for lands of a similar description and with similar advantages in the vicinity held under the *utbandi* system. If that is so, would the landlord in any way suffer? On the other hand it is evident that the rent which will be fixed by the officer would not be in any way less than the rent which he would have got if the present Act continued in force. In fact this Act does not give any additional advantage to the raiyat so far as money is concerned and therefore Mr. Syed Erfan Ali has simply referred to that case in which the raiyat does not acquire the occupancy right. If the raiyat would have acquired the occupancy right, then certainly he gains an advantage, but if the raiyat does not get any occupancy right, if he is where he was before this Act and if he also does not derive any benefit so far as the amount of rent is concerned, then where is the advantage to the raiyat? That is a thing which I fail to understand. The landlord, on the other hand, gets a fixity of rent. In fact under the present system the land remains fallow for some years after it has been cultivated for five or six years in order that it may gain strength, from which the name *utbandi* is derived, but under the present system there will be one uniform rent which will be payable to the landlord but that rent would not be in any way less than the rent which is now being paid by the *utbandi* raiyat. Therefore, he does not get any higher status. He does not get any relief or any advantage so far as the amount of rent is concerned. Therefore, there is no loss which the landlord suffers and consequently the question of compensation cannot arise.

Then, as regards the demand of the Maharaja of Nadia, viz., to increase it from 3 to 5 times the rent, my submission is this. It may not be the decision of this Council that what we want to give by the right

hand we may not take away by the left hand. Here both the landlord and the tenant have got the right to make that application. If you increase the premium from three to five times, it would be almost impossible for the raiyats to take advantage of this. So, what you practically want to give them by the right hand, you want to take away by the left hand. You make it absolutely impossible for the raiyat. Their present financial condition is such that they are so very poor that it would be almost impossible for them to take advantage of this legislation if the premium be increased from three to five times the rent.

Mr. DEPUTY-PRESIDENT (Babu Surendra Nath Ray): I had no mind to intervene in this debate at this hour of the day, but I think that my friends, Rai Jogendra Chunder Ghose Bahadur and Mr. Syed Nasim Ali, have spoken on a subject about which, I think, they are not fully familiar.

Rai JOGENDRA CHUNDER GHOSE Bahadur: I know much better than you.

Mr. DEPUTY-PRESIDENT: That is a well-known and notorious fact. My friend has said, what right has the landlord to ask for a premium? To that my answer is that here the tenant remains uncertain as regards his position; he does not know what rent he will have to pay at the end of the year—rather in the month of January or February to the landlord. He has to depend entirely upon the sweet will of the *amla* of his landlord. That is the case everywhere where the system of *utbandi* prevails and in order to avoid the irritating scrutiny of the landlord and also to have a fixity of rent, this Bill has been introduced. Mr. Syed Nasim Ali says that the landlord gets fixity of rent. Yes, the landlords gets a fixity of rent, but there is also on the other side fixity of rent payable by the tenant. He knows that he will have to pay annually this amount and not a pice more. What is the effect of this Bill? The effect is that a tenant who can be evicted at any moment now becomes what is known in England and in Europe as a peasant-proprietor. You give him a right from which you cannot evict. That being the case, I really cannot understand how these advocates of tenants could say that the landlord is not entitled to have five times the rent but only three times.

The Hon'ble the MAHARAJADHIRAJA BAHADUR of BURDWAN: I oppose all these amendments which relate to the amount of premium which should be paid for the conversion of *utbandi* rents in the case of raiyats who have not acquired the rights of occupancy into uniform annual rents. Those who have spoken on behalf of the raiyats or at least those who are supposed to represent the raiyats want that no premium should be paid. The landlord element on the other hand ask that a premium should not only be paid but it should be increased to

five times the rent. I am opposed to all these suggestions because they strike at the principle of compromise underlying the Bill on which the whole Bill is based. We have neither adopted the extreme point of view that the raiyats should get something for nothing, nor the other extreme that the landlords should get as much as they demand. We have struck a mean between the opinions received on what the premium is to be and the golden mean that we have arrived at is the figure 3.

Well, Sir, the meaning of our compromise goes far deeper than a mere average. I would take the tenants' point of view first and then the landlords' point of view. The tenants, or at least those who have spoken on behalf of tenants to-day, contend that they ought to pay no *salami* because they had been kept out of their occupancy rights by the technicalities of section 180. Granted, for the sake of argument, that that is so, section 180 has been the law of the land for 38 years and is still the law of the land. In this case, the tenants have no occupancy rights. The Bill proposes to give it to them, not as Mr. Syed Nasim Ali says that it does not give it to them, and *primâ facie* they must pay something for their new legal privileges.

Take now the landlords' point of view. That is, that the tenants who have no occupancy rights have no rights in their *utbandi* lands and, therefore, they are entitled to a large *salami;* something the same as if the tenants were purchasing a raiyati holding. But is it correct that the tenants have no rights or no connection with the land which must be recognised? The Settlement Officer of Nadia has written a long, interesting and valuable report on the subject which will be found in the White Book which was distributed to members. On page 62 of that book, the Settlement Officer divides *utbandi* into four classes:—

(*i*) areas where in a few cases the plots held by the tenant are changed annually by the landlord;

(*ii*) areas where there is an abatement of rent for fallow land and a system of measurement to ascertain the land under cultivation; tenants return after the period of fallowing to the same plots they cultivated before; they never pay *salami* or obtain specific permission to cultivate the land and no instance is known of a tenant surrendering one plot and of its being let out to another;

(*iii*) areas where the soil requires frequent rest and there is competition for tenants rather than for lands; the tenant again takes no specific permission to return to his own land after fallowing and pays no *salami* to do so; and

(*iv*) areas where there is a part surrender and deliberate shifting of a tenant from one plot to another as increased competition for land or the policy of the landlord dictates.

Now one fact emerges from the above, and that is that the tenant gets *utbandi* lands to cultivate, very often the same land as he cultivated

before, but sometimes different land. He is not a new comer; he is not a purchaser. It is not at all a case of conferring an occupancy right on a person who has no connection with the land at all. In many cases he goes back to the land, in other cases, he gets shifted to others. We are dealing with only settled raiyats or persons who would, but for section 180, be settled raiyats. Such being the case, it is impossible to fix a high *salami* and if we were to do so, the tenant will prefer to retain his present intangible rights of getting some land to cultivate than of acquiring occupancy rights as a result of the operation of this Bill. There is yet another point and that is the benefit obtained by the landlord from the proceedings. He will obtain the advantage of a settled rent-roll and be relieved of the necessity of employing *utbandi* amins who are reported to cheat the landlord by underestimating the land under cultivation. It is thus perfectly clear that both parties will obtain advantages from this conversion of rents and that it is not by any means a case of the landlord giving right to an entire outsider. In these circumstances, the only possible solution of what the problem should be is a mean between the views of the tenants and the landlords. I say that that mean is three times the rent as we have put in the Bill.

Before you put these amendments to the vote of the Council, I should like to sound a note of warning. To those who think like Mr. Syed Erfan Ali that there should be no *salami* and to those like the Maharaja of Nadia who want to raise the premium from 3 to 5 times the rent, I should like to say that if they carry their point, I shall not be able to move the second motion that the Bill be passed.

The following amendment standing in the name of Rai Mahendra Chandra Mitra Bahadur was, by leave of the Council, withdrawn:—

Rai MAHENDRA CHANDRA MITRA Bahadur: "That in clause 2, in the proposed section 180A (*9*), for the words 'three times' in the two places where they occur, the word 'twice' be substituted."

The motion of Mr. Syed Erfan Ali was then put and lost.

The motion of Maharaja Kshaunish Chandra Roy Bahadur was then put, and a division taken with the following result:—

AYES.

Addy, Babu Amulya Dhone.	Mallik, Babu Surendra Nath.
Afzal, Nawabzada K. M., Khan Bahadur.	Ray, Babu Surendra Nath.
Azam, Khan Bahadur Khwaja Mohamed.	Ray, Kumar Shib Shekhareswar.
Chaudhuri, Babu Tankanath.	Roy, Maharaja Bahadur Kshaunish Chandra.
Chaudhuri, Rai Harendranath.	Roy, Rai Bahadur Lalit Mohan Singh.
Law, Raja Reshee Case.	

NOES.

Ahmed, Khan Bahadur Maulvi Wasimuddin.	Ali, Munshi Ayub.
Ahmed, Maulvi Rafi Uddin.	Arhamuddin, Maulvi Khandakar.
Ali, Mr. Syed Erfan.	Banerjea, the Hon'ble Sir Surendra Nath.
Ali, Mr. Syed Nasim.	Birley, Mr. L.
Ali, Munshi Amir.	Carey, Mr. W. L.

Chaudhuri, Maulvi Shah Muhammad.
Das, Babu Ehishmadev.
Das Gupta, Rai Bahadur Nibaran Chandra.
De, Mr. K. C.
Dey, Mr. G. C.
Donald, the Hon'ble Mr. J.
Donovan, Mr. J. T.
Dutta, Babu Annada Charan.
Duval, Mr. H. P.
Emerson, Mr. T.
Forrester, Mr. J. Campbell.
Ghose, Mr. D. C.
Ghose, Rai Bahadur Jogendra Chunder.
Goode, Mr. S. W.
Gupta, Rai Sahib Mahendra Nath.
Hornell, Mr. W. W.
Huntingford, Mr. G. T.
Karim, Maulvi Fazlal.
Khan, Maulvi Hamid-ud-din.
Khan, Maulvi Md. Rafique Uddin
Maharajadhiraja Bahadur of Burdwan, the Hon'ble the.
Makramali, Munshi.
Marr, Mr. A.
McAlpin, Mr. M. C.
McCay, Lt.-Col. David.
Mitra, Rai Bahadur Mahendra Chandra.
Mitter, the Hon'ble Mr. P. C.
Mukerjee, Mr. S. C.
Mukharji, Babu Satish Chandra.
Philip, Mr. J. Y.
Rahim, the Hon'ble Sir Abd-ur-
Robertson, Mr. F. W.
Roy, Mr. J. N.
Salam, Khan Bahadur Maulvi Abdus.
Sarkar, Babu Jogesh Chandra.
Stephenson, the Hon'ble Mr. H. L.
Stuart-Williams, Mr. S. C.
Travers, Mr. W. L.

The Ayes being 11, and the Noes 48, the motion was lost.

Here the Council was adjourned for fifteen minutes.

After the adjournment.

Rai MAHENDRA CHANDRA MITRA Bahadur: I move that in clause 2, in the proposed section 180 (A) (7), line 6, after the word "premium" the words "if not already paid" be inserted.

In many cases the premium is paid by the raiyat. Consequently that ought to be a factor for concession. It is true that we are going to have statutory rules or laws on this subject, but my submission to the Council is that if any premium is paid it ought to be a factor that may be disclosed in evidence. That is the reason I put forward in support of my amendment.

Mr. M. C. McALPIN: I oppose this amendment. Whether the premium has been paid or has not been paid is a private arrangement entirely between the landlord and the tenant with which the revenue officer has nothing to do. Moreover they would not know what the premium ought to be before the order. The procedure proposed would be a most unusual one. Further, take a case in a criminal court. If the court orders the complainant to pay compensation to the accused for bringing a frivolous or vexatious case, it does not think of adding to that order that so much compensation should be paid "if not already paid." I oppose the amendment.

The motion was then put and lost.

Rai MAHENDRA CHANDRA MITRA Bahadur: I move that in clause 2, in the proposed section 180A (7), line 6, after the word "landlord" the words "or landlords, as the case may be, on apportionment" be inserted.

I may explain to the House that there are joint landlords and it will be a good thing if the order is passed in their favour after apportioning

their shares. In many cases there are co-sharers of land and consequently it will not be difficult on the part of the officer passing the order to ascertain their shares. My submission is that if the order should be in favour of the landlords, then it will not be necessary for them to go to litigation at all, that is, they would not have to go to the Civil Court for redress. This being a summary order it can be carried out as an order passed by a revenue officer or officer in charge of the department.

My second idea is that supposing that the rule covers the kinds of landlords known as temporary *ijaradars* as well as the permanent landlords, then these may be classified and an order may be passed in their favour so that the whole question may be simplified. The only difficulty that is likely to be felt is about the claims of co-sharers, but if the officer is in a position to ascertain the shares there will be no difficulty. This is the view I take of this matter and the report of the Select Committee encouraged me to put in this amendment.

Mr. M. C. McALPIN: I oppose this amendment on the ground that it introduces an absolutely new principle into the Bengal Tenancy Act. The Bengal Tenancy Act, as at present drafted, treats the landlords as a collective body and makes no provision for apportionment of rents or premia amongst them according to their shares. Until, therefore, the Bengal Tenancy Act is amended in this respect an amendment to this effect must be opposed. The question of principle underlying it will, however, be considered in connection with the new amending Bill. As regards apportionment between an *ijaradar* and his superior landlord it is proposed to accept a modification of a later amendment (No. 24) which will give effect to the mover's wishes, but I must on behalf of Government oppose this amendment.

The motion was then put and lost.

The Hon'ble the MAHARAJADHIRAJA BAHADUR of BURDWAN: Before Babu Satish Chandra Mukharji moves his amendment, I may say that I am willing to accept it in a modified form, although as the applications will be heard locally there is not much necessity of this amendment, but if it satisfies the member I am prepared to accept it in the following modified form:—

"That in clause 2, to proposed section 180A(7) the following be added, namely:—

'Provided that in any case in which an order fixing a uniform annual money rent is passed *ex parte* the opposite party may within one month of the date of such order or, when the notice has not been duly served, within one month of the date of his knowledge of such order apply to the officer by whom the order was passed for an order to set it aside and, if he satisfies the officer that the notice of the application under sub-section

(*1*) was not duly served on him or that he was prevented by any sufficient cause from appearing when the case was determined, the officer shall set aside the order and shall appoint a day for the determination of the case. No order shall be set aside on application made under this proviso unless notice thereof has been served on the respondent thereto.' "

Babu SATISH CHANDRA MUKHARJI: I accept the modified amendment and beg leave to withdraw mine.

The following amendment was, by leave of the Council, withdrawn:

" That in clause 2, proposed section 180A(*7*) the following be added, namely:—

'Provided that if an *ex parte* order has been made fixing the uniform annual money rent, the said order shall be liable to be recalled if the opposite party files an application within a reasonable time from the date of the passing of the order and satisfies the officer that he had reasonable cause for non-attendance at the time of hearing.' "

The amendment proposed by the Hon'ble the Maharajadhiraja Bahadur was put and agreed to.

The following amendment standing in the name of Rai Mahendra Chandra Mitra Bahadur was, by leave of the Council, withdrawn:—

" That in clause 2, in the proposed section 180A(*8*), line 2, for the word 'calculate' the words 'have regard to' be substituted."

The Hon'ble the MAHARAJADHIRAJA BAHADUR of BURDWAN: I move that in clause 2, in the proposed section 180A(*8*), line 4, for the word " during " the word " for " be substituted.

This is a mere verbal change bringing out the proper meaning of the section, and I therefore hope that it will be carried.

The motion was put and agreed to.

The following amendments were not put as they were covered by the foregoing decision of the Council.—

Mr. SYED ERFAN ALI: " That in clause 2, proposed section 180A(*9*) be omitted."

Kumar SHIB SHEKHARESWAR RAY: " That in clause 2, for the proposed section 180A(*9*) the following be substituted, namely:—

'(*9*) The premium to be paid to the landlord shall be six times the rent determined on account of such lands.' "

The Hon'ble the MAHARAJADHIRAJA BAHADUR of BURDWAN: Before the Kumar Sahib moves his next motion I may say

that I am willing to accept it in the following modified form:—

"That in clause 2, after the proposed section 180A(*9*) the following be inserted, namely:—

'(*9a*) If the immediate landlord of the raiyat is a temporary tenure-holder or *ijaradar* the officer shall apportion the premium payable under sub-section (*9*) between the said temporary tenure-holder or *ijaradar* and his superior landlord of the lowest degree who is a proprietor or permanent tenure-holder in such manner as may appear fair and reasonable to the officer in view of all the circumstances of the case, and any sum so awarded to the said superior landlord shall be recoverable by him from the temporary tenure-holder or *ijaradar* or his successor in interest as an arrear of rent but shall not be recoverable by the superior landlord from the raiyat.'"

Kumar SHIB SHEKHARESWAR RAY: I accept it.

The following motion standing in the name of Kumar Shib Shekhareswar Ray was, by leave of the Council, withdrawn:—

"That in clause 2, after the proposed section 180A(*9*) the following be inserted, namely:—

'(*9a*) If the immediate landlord of the raiyat is a temporary tenure-holder or *ijaradar*, the term "landlord" in sub-section (*9*) shall include the superior landlord in the lowest degree who is a proprietor or permanent tenure-holder, and, in the absence of any contract to the contrary, such superior landlord shall be entitled to such share of the premium as may appear fair and equitable to the officer in view of all the circumstances of the case.'"

The modified amendment of the Hon'ble the Maharajadhiraja Bahadur of Burdwan was then put and agreed to.

Babu SATISH CHANDRA MUKHARJI: I move that in clause 2, after the proposed section 180A(*10*), the following be inserted, namely—

"(*10a*) It shall in the discretion of the officer making the order, state the amount of the cost to be paid by any party to the other. The order shall have the force and effect of a decree and may be executed by the officer making the order or his successor in the same way as a decree of the civil court and the provisions of the Code of Civil Procedure, 1908, relating to execution shall apply to the same."

My amendment consists of two parts. With regard to the first "it shall, in the discretion of the officer making the order, state the amount of the cost to be paid by any party to the other." I beg leave to withdraw the same but I move the other portion—

"The order shall have the force and effect of a decree and may be executed by the officer making the order or his successor in the same way as

a decree of the civil court and the provisions of the Code of Civil Procedure, 1908, relating to execution shall apply to the same."

The point of this amendment is that I want to make the order making the premium payable to the landlord executable by giving it the force of a decree of the civil court. The Hon'ble Mr. P. C. Mitter wants to enforce this order by fresh proceedings, namely, by initiating fresh proceedings under the Public Demands Recovery Act. If my amendment is accepted then clause 12 becomes unnecessary. It has also this advantage over Mr. Mitter's proposal in that it will save a lot of cost and time. The machinery will be the same—the order will be passed by the revenue officer and it will be executed by the same officer. In the case of Mr. Mitter's proposal the machinery will be a different one. As between the two proposals, if my amendment is accepted, a lot of money and a lot of time will be saved, and in this hope I have brought forward this amendment.

Raja RESHEE CASE LAW: While opposing this motion I should like to draw the attention of the hon'ble member to paragraph 8 of the Joint Report of the Select Committee. As the orders passed on the application under section 180A will be to the benefit of both the parties, the landlord and the tenant, equally, it is therefore proper that one side should not be saddled with costs incurred by the other. It is the common practice in courts of law to impose costs upon the party who is at fault. As in this case nobody is to blame for the custom upon which this time-honoured system of land tenure, that is the *utbandi* system, is based, which this Bill seeks to set aside, it is but fair that each party should bear his own costs. I therefore oppose this motion.

I also move that in clause 2, the proposed section 180A(*11*) be omitted.

The premium which is to be paid by the raiyat is a sort of consideration or price for the landlord's right to eject the *utbandi* raiyat at any time he likes. Hence this should be made payable at once and not by instalments. It will be observed that the raiyat will derive the benefit of the Act at once, and not by instalments; and it is only fair that the landlord should not be deprived of his just right of being paid at once, the premium being a solatium offered to the landlord for giving up his aforesaid right. For this reason, I move that this sub-clause be omitted.

The Hon'ble Mr. P. C. MITTER: My motions are on the paper and I do not want to read them out. The reasons which actuated me to send in these motions——

Babu SUBENDRA NATH MALLIK: I rise to a point of order. Is it permissible for an Hon'ble Member not to read out his motion?

The PRESIDENT: Yes, he is quite in order. We should sit till midnight if each member were to read out his motion. They are on the paper and members are supposed to have studied them. I am grateful to the Hon'ble Mr. Mitter who is the first member to act upon my suggestion.

The Hon'ble P. C. MITTER: The reasons which actuated me to send in these motions will appear from my note of dissent. My main reason is this: when the officer has settled what should be the amount of premium it is to the interest of both the landlord and the tenant to see that the premium is realised with as little litigation and expense as possible. What I have suggested will mean that there will be no litigation at all. Babu Satish Chandra Mukharji in amendment No. 25 has suggested that the order of the officer shall have the force of a decree and shall be executed as decrees of the civil court. I think his suggestion, if accepted, may give rise to legal difficulties. A point may well be raised that an officer enjoying powers under this Act could not pass an order which will have the force of a civil court degree as he was not a civil court. Then we know that the trouble of a litigant begin after he gets his decree. By vesting the order of the officer with the force of a civil court decree we can not preclude proceedings under section 47 of the Civil Procedure Code. We must remember that orders under section 47 of the Civil Procedure Code are subject to appeals and second appeals. All this will mean litigation. On the other hand what I have suggested will mean that the officer will realize the amount due with or without instalments without any further litigation.

The motions were as follows:—

(*i*) "That in clause 2 in the proposed section 180A(*11*) after the words 'The officer' the following be inserted, namely:—

'shall fix the date (not being more than one month from the date of the order) by which the premium shall be paid or he,'"

(*ii*) "That in clause 2, for the proposed section 180A(*12*) the following be substituted, namely:—

'(*12*) If the premium or any instalment thereof is not paid by the dated fixed under sub-section (*11*) for the payment of such premium or instalment the landlord may make a requisition to the Collector for the recovery of the arrear of the same in the manner set forth in sub-sections (*3*) and (*4*) of section 158A, and the provisions of sub-sections (*5*) to (*9*) of that section shall apply to the recovery of the said arrear by the Collector as if it were an arrear of rent, recoverable by him under the provisions of that section.

Interest shall not be payable on any instalment in respect of which default has not been made.

The Local Government may make rules prescribing the form of requisition to be made by a landlord under this sub-section and for carrying into effect the purposes of this sub-section.'"

The Hon'ble the MAHARAJADHIRAJA BAHADUR of BURDWAN: Before the other amendments come along I think I may say that the questions at issue in all these amendments are (1), whether the premium should be payable in instalments, and (2) whether instalments should be recoverable as rent under the special provision of section 158 of the Bengal Tenancy Act. I may say straightaway that I propose to accept the Hon'ble Mr. Mitter's amendments (*i*) and (*ii*) making the premium recoverable as rent in the manner set forth in section 158A with the insertion of the word "The premium or any instalment thereof shall be recoverable as rent and" in amendment (*ii*) "so as to make it clearly a charge on the owner of the land. The reason why the Government have decided to do so is this: The premium is fixed at three years' rent and in order to enable a tenant to pay it he will be allowed to do it in three instalments so that in one year he will not have to pay more than twice the amount of the rent. It has, however, been objected to and I think rightly objected to that the realisation of the instalment of the premium would mean unnecessarily extra litigation both to the landlords and tenants. In the interests of both parties, therefore, we have decided that application should be allowed under the simple procedure of section 158A of the Bengal Tenancy Act. I, therefore, oppose all the amendments except those of the Hon'ble Mr. Mitter with the modification which I have really mentioned. In view of this modification I hope at least some, if not all, opposing amendments, will be withdrawn.

The Hon'ble Mr. Mitter's amendments Nos (*i*) and (*ii*) as modified by the Hon'ble the Maharajadhiraja Bahadur of Burdwan, were then put and agreed to.

The motions standing in the names of Babu Satish Chandra Mukharji and Raja Reshee Case Law were then, by leave of the Council, withdrawn:—

The following amendments were, by leave of the Council, withdrawn:—

Mr. SYED ERFAN ALI and Babu SATISH CHANDRA MUKHARJI: "That in clause 2, the proposed section 180A(*12*), be omitted."

Babu SATISH CHANDRA MUKHARJI: "That in clause 2, proposed section 180A(*12*), line 2, the words 'and recoverable as rent' be omitted."

Babu SATISH CHANDRA MUKHARJI: "That in clause 2, proposed section 180A(*13*), line 1, for the words 'The order' the words 'The original order as well as orders passed in the execution case and made appealable by the Code of Civil Procedure, 1908,' be substituted."

Raja RESHEE CASE LAW: "That in clause 2 in the proposed section 180A(*12*), the words 'or the instalments thereof' in line 1, and the words 'but interest shall only be awarded in respect of such instalments as are not paid by the date fixed under sub-section (*11*)' in lines 2 to 5 be omitted."

Rai MAHENDRA CHANDRA MITRA Bahadur: "That in clause 2, in the proposed section 180A(*12*), line 2, after the word 'rent' the words 'in the manner provided in sub-sections (*3*), (*4*) and (*5*) to (*9*) of section 158A on application to the Collector of the district' be inserted."

Raja RESHEE CASE LAW: "That in clause 2 in the proposed section 180A(*12*), lines 2 to 5, for the words 'but interest shall only be awarded in respect of such instalments as are not paid by the date fixed under sub-section (*11*)' the following be substituted, namely:—

'but in default is made in the payment of any instalment then the whole amount of premium remaining unpaid shall be at once payable with interest thereon.'"

Babu SURENDRA NARAYAN SINHA: "That in clause 2 after the proposed section 180A(*12*) the following be inserted, namely:—

'(*12a*) Whenever the instalment falls in arrear, it shall be recoverable by the landlord making a requisition to the Collector in the manner set forth in sub-sections (*3*) and (*4*) of section 158A and the provisions of sub-sections (*5*) to (*9*) of that section shall apply to the recovery of the said arrear.'"

Babu ANNADA CHARAN DATTA: "That in clause 2 after the proposed section 180A(*12*) the following be inserted, namely:—

'(*12a*) The arrear of premium or the instalments thereof with interest shall be recoverable on a requisition to the Collector according to the provisions of sub-sections (*3*) to (*9*) of section 158A.'"

The Hon'ble the MAHARAJADHIRAJA BAHADUR of BURDWAN: Before Rai Mahendra Chandra Mitra Bahadur moves his motion I may say that I am willing to accept it in the following modified form:—

'That in clause 2, proposed sub-section 180A(*13*), for the words 'The order' the words 'any order made under this section' be substituted."

Rai MAHENDRA CHANDRA MITRA Bahadur: I accept the modified form and beg to withdraw the motion standing in my name. The modified form was then put and agreed to.

The motion of the Rai Bahadur, which was withdrawn, was as follows:—

"That in clause 2, to the proposed section 180A(*13*) the following be added, namely:—

'An appeal shall lie against an order made under sub-section (*6*) in the manner provided in section 109A.'"

The motion of the Hon'ble the Maharajadhiraja Bahadur of Burdwan was then put and agreed to.

The following motion standing in the name of Babu Amulya Dhone Addy was, in the absence of the member, deemed to be withdrawn:—

"That in clause 2, proposed section 180B, lines 7, 8 and 9, the words 'and the tenant shall hold them as an occupancy raiyat from the date of the order' be omitted."

Babu SATISH CHANDRA MUKHARJI: I move that in clause 2, after the proposed section 180B the following be inserted, namely:—

"180C. (*1*) Where a uniform annual money rent has been fixed under section 180A, the said rent shall not, except on the ground of a landlord's improvement or of a subsequent alteration of the area of the holding, be enhanced for fifteen years; nor shall it be reduced for fifteen years,' save on the ground of alteration in the area of the holding, or on the ground specified in clause (*a*) of sub-section (*1*) of section 38.

(*2*) The said period of fifteen years shall be counted from the date on which the order takes effect under sub-section (*10*) of section 180A."

The motion was put and agreed to.

The Hon'ble the MAHARAJADHIRAJA BAHADUR of BURDWAN: I move that the Bill, as settled in Council, be passed.

The motion was put and agreed to.

Adjournment.

The Council was then adjourned till 3 P.M. on Thursday, the 16th August, 1923, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta, on Thursday, the 16th August, 1923, at 3 P.M.

Present:

The Hon'ble the President in the Chair, the four Hon'ble Members of the Executive Council, two Hon'ble Ministers (the Hon'ble the Nawab Saiyid Nawab Ali Chaudhuri, Khan Bahadur, being absent), and 98 nominated and elected members.

Starred Questions

(to which oral answers were given).

Howrah Bridge.

*XXXIX. **Dr. PRAMATHANATH BANERJEA:** Will the Hon'ble the Member in charge of the Marine Department be pleased to state—

(*i*) whether the Government are proposing to proceed immediately with the scheme for constructing a bridge of the cantilever type to replace the existing Howrah Bridge;

(*ii*) whether the Bengal Legislative Council will be given an opportunity of discussing the scheme before any steps are taken to give effect to it;

(*iii*) whether the Government have finally decided to accept the report of the majority of the Committee appointed to consider the proposals for financing the construction of a bridge of the cantilever type;

(*iv*) whether the opinion of the Corporation of Calcutta will be invited as to the method of financing the scheme;

(*v*) whether it is a fact that seven members of the aforesaid Committee have appointed notes of dissent to the main report of the Committee; and

(*vi*) whether the estimate of the cost of the proposed bridge considerably exceeds the estimate made by the Committee of Engineers in 1922?

MEMBER in charge of MARINE DEPARTMENT (the Hon'ble Mr. J. Donald): (*i*), (*ii*) and (*iii*) The construction of the Howrah Bridge cannot be proceeded with until the legislation necessary for the financial provision has been passed. Government are now taking

the necessary measures for the preparation of a Bill, which will be placed before the Legislative Council in due course, and the report of the Howrah Bridge Finance Committee is under their consideration in this connection.

(*iv*) Yes.

(*v*) and (*vi*) The member is referred to the Report of the Committee.

Posts of Divisional Commissioners.

***XL. SHAH SYED EMDADUL HAQ:** Will the Hon'ble the Member in charge of the Department of Revenue (Land Revenue) be pleased to state—

(*i*) whether there is any committee appointed to consider the question of abolition of the posts of Divisional Commissioners;

(*ii*) when the committee commenced its sittings;

(*iii*) how many sittings of the committee have taken place up to date;

(*iv*) whether the committee has submitted its report, if not, when the report is expected to be received by the Government; and

(*v*) whether the report will be published?

MEMBER in charge of DEPARTMENT of REVENUE [LAND REVENUE] (the Hon'ble the Maharajadhiraja Bahadur of Burdwan): There is at present no committee sitting to consider the question of the abolition of the posts of Divisional Commissioners. The Committee which was appointed in 1921 to consider the question was adjourned *sine die*, in particular in view of the appointment of a Retrenchment Committee.

Defalcations in the Medical College Hospitals.

***XLI. Dr. JATINDRA NATH MOITRA:** (*a*) Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state—

(*i*) whether he has received any information about any defalcations in the Calcutta Medical College and Hospitals; if so, what is the extent of such defalcations; and

(*ii*) whether the matter has been investigated, and, if so, what has been the result of such investigation?

(*b*) Will the Hon'ble the Minister be pleased to state whether after these defalcations he still considers it desirable to reduce the number of free beds in the different hospitals in Calcutta and to impose a charge on the poorer section of the community for getting medical relief at these hospitals?

SECRETARY to GOVERNMENT, DEPARTMENT of LOCAL SELF-GOVERNMENT (Mr. S. W. Goode): A reference is invited to the reply given to unstarred question No. 102 put by Mr. Ajoy Chunder Dutt at this meeting.

Publication of the names of the elected members of the District and Local Boards of Mymensingh.

***XLII. Raja MANMATHA NATH RAY CHOUDHURY:** (*a*) Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state why the names of the new members of the District Board of Mymensingh and of Local Boards of the same district, who were elected some six months ago, have not been gazetted?

(*b*) Is it not the usual practice to gazette these elections within three months of the election?

(*c*) When are the names likely to be gazetted?

Mr. S. W. GOODE: (*a*) and (*c*) The members of the several Local Boards in the district of Mymensingh were elected in November last. The new Local Boards were finally constituted on the 23rd July, 1923, and they will now proceed to elect members of the District Board. Government will then appoint the nominated members of the District Board as early as possible.

It is the usual practice to gazette the names of elected members along with those appointed under section 7 of the Local Self-Government Act. The Minister for Local Self-Government did not accept all the nominations submitted by the Commissioner of the Division for appointment as members of the Local Boards, and some time elapsed before the personnel of these Boards was settled.

(*b*) No time-limit is fixed, but ordinarily three months is adequate—see Election Rule 48.

Dwarka Nath Charitable Hospital, Tangail.

***XLIII. Raja MANMATHA NATH RAY CHOUDHURY:** (*a*) Is the Hon'ble the Minister in charge of the Department of Local Self-Government aware of the financial difficulty of the Tangail Dwarka Nath Charitable Hospital since the institution has been entirely placed under Government control?

(*b*) If so, will the Hon'ble the Minister be pleased to state what relief he is intending to afford to it?

Mr. S. W. GOODE: (*a*) The Dwarka Nath Charitable Dispensary at Tangail is a Local Fund institution and is not under Government control, although it is allowed under Dispensary Rule 28 to have a

separate Banking account at the Treasury like State hospitals and dispensaries. It is true that the finances of the institution are in a most unsatisfactory condition.

(*b*) The Minister is unable to give any special financial relief to this institution for the maintenance of which the local bodies and the local people are primarily responsible.

Travelling allowances drawn by non-official chairmen of district boards and municipalities.

***XLIV. Mr. TARIT BHUSAN ROY:** (*a*) Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to lay on the table a statement showing—

(*i*) the names of the non-official chairmen of the various district boards and municipalities in the districts and subdivisions of Bengal;

(*ii*) the principle on which they are entitled to draw their travelling allowance; and

(*iii*) the total amounts drawn by each of such chairmen during the last two years in Bengal?

(*b*) Is it a fact that such non-official chairmen who happen to be members of the Provincial Council draw travelling allowances from the district board and municipal funds, for attending Council meetings?

(*c*) If so, what is the total for such amounts drawn during the last two years?

Mr. S. W. GOODE: (*a*) (*i*) and (*iii*) The statements furnished by local officers are laid on the Library table.

(*ii*) Column 2 of the statement may be read.

(*b*) The answer is in the negative.

(*c*) This question does not arise.

Dhai-training Scheme for District Boards.

***XLV. Rai LALIT MOHAN SINGH ROY Bahadur:** (*a*) Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state the names of the district boards which have accepted the scheme for dhai-training?

(*b*) What help are the Government going to give to them?

(*c*) Will the Hon'ble the Minister be pleased to state, if possible, the process of training which will be adopted?

Mr. S. W. COODE: (*a*) Howrah, Birbhum, Burdwan, Nadia, 24-Parganas, Murshidabad, Rajshahi, Rangpur, Dinajpur, Bogra, Dacca, Bakarganj, and Tippera.

(*b*) Rs. 250 was given to each of these Boards except those of Burdwan, 24-Parganas and Murshidabad, whose applications were made after the budget provision was exhausted.

(*c*) The scheme is explained in Government Circular No. 2496-2500-P.H., dated the 12th September, 1922, of which a copy is laid on the Library table.

District Boards' help to union boards for village improvements.

***XLVI. Rai NIBARAN CHANDRA DAS GUPTA Bahadur:** Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state whether it is proposed to make the District Boards help the village Union Boards with substantial contributions from their funds for improving village sanitation, communications, etc.?

Mr. S. W. COODE: A reference is invited to Government's Circulars Nos. 3267—70 L.S.-G., dated 20th July, 1921, Nos. 1945—49 L.S.-G., dated 28th June, 1923, and Nos. 196—T.L.S.-G., dated 25th June, 1923, of which copies are laid on the Library table. The policy of Government is stated in these orders.

Muhammadans in the Ministerial Staff in Government offices in Bogra.

***XLVII. Maulvi HAMID-UD-DIN KHAN:** (*a*) Will the Hon'ble the Member in charge of the Department of Revenue (Land Revenue) be pleased to state the population of Bogra district, and how many of them are Muhammadans?

(*b*) Will the Hon'ble the Member be pleased to state the number of vacancies in the ministerial staff of the said district during the last two years classified as follows:—

(*1*) in the office of the Magistrate-Collector;

(*2*) in the sadar and mufassal sub-registration offices?

(*c*) Will the Hon'ble the Member be pleased to state how many of these vacancies were filled up by Hindus and how many by Muhammadans?

(*d*) Will the Hon'ble the Member be pleased to state whether the persons appointed to these vacancies were natives of the district? If so, how many of them?

(*e*) Will the Hon'ble the Member be pleased to state whether in filling up these vacancies Government orders regarding the proportion of Hindus and Muhammadans have been strictly observed; if not, why not?

The Hon'ble the MAHARAJADHIRAJA BAHADUR of BURDWAN: (*a*) The total population according to the Census of 1921 is 1,048,606 of whom 864,998 are Muhammadans.

(*b*), (*c*) and (*d*) A statement is laid on the table.

(*e*) Yes.

Statement referred to in the reply to starred question No. XLVII showing the number of vacancies in the office of the Magistrate-Collector and the sadar and mufassal sub-registration offices in the district of Bogra and the number of Hindus and Muhammadans appointed to those vacancies.

Name of office.	1921-22				1922-23.			
	Total number of vacancies.	Number of vacancies filled up by natives of the district.	Number of Hindus appointed.	Number of Muhammadans appointed.	Total number of vacancies.	Number of vacancies filled up by natives of the district.	Number of Hindus appointed.	Number of Muhammadans appointed.
Magistrate-Collector's office.	22	22	11	11	10	10	2	8
Sadar and mufassal sub-registration office.	16	16	6	10	21	20	6	13

Unstarred Questions

(answers to which were laid on the table).

Slaughter of cows in municipal areas.

97. Babu AMULYA DHONE ADDY: (*a*) Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state whether it is a fact that municipalities have been precluded by Government orders from enforcing the resolutions passed by such municipalities restricting or forbidding the slaughter of prime and milch cattle in the municipal slaughter houses?

(*b*) Is it a fact that there has been such refusal in the case of the municipalities of Baidyabati, Budge-Budge, Katwa and Madaripur?

(*c*) If so, will the Hon'ble the Minister be pleased to state the statutory authority and the reasons for such interference?

(*d*) Are the Government considering the desirability of reconsidering the matter and of withdrawing those orders?

MINISTER in charge of DEPARTMENT of LOCAL SELF-GOVERNMENT (the Hon'ble Sir Surendra Nath Banerjea): (*a*) Government have not issued any general orders prohibiting the enforcement of resolutions passed by certain municipalities restricting or forbidding the slaughter of prime, and milch cattle in the municipal slaughter houses. In the case of the Midnapore Municipality Government confirmed the action of the District Magistrate in suspending such a resolution on legal grounds. Government are advised that such resolutions except on sanitary grounds would be *ultra vires* of the statute.

(*b*) No reference was made to Government with regard to these municipalities.

(*c*) and (*d*) The question does not arise.

Babu AMULYA DHONE ADDY: Is it not a fact that the slaughter of pregnant and prime cows is responsible for the high infant mortality in the mufassal?

Mr. S. W. COODE: There are other factors also besides those mentioned.

Babu AMULYA DHONE ADDY: May I also ask as to whether or not it is desirable on purely economic and sanitary grounds to prohibit the slaughter of prime cows with a view to increase the supply of milk?

Mr. PRESIDENT (the Hon'ble Mr. H. E. A. Cotton): That is rather a matter of opinion.

Babu AMULYA DHONE ADDY: It appears from the answer that Government are advised that such resolutions—

Mr. PRESIDENT: I do not want a speech, Amulya Dhone Babu.

Mr. S. W. COODE: We want notice of the question.

Babu AMULYA DHONE ADDY: May I ask the Hon'ble the Minister in charge to legalise the prohibition of the slaughter of prime cows under the Bengal Municipal Bill which is under consideration?

Mr. PRESIDENT: That is not a question.

Managers of Wards Estates.

98. Maulvi RAFI UDDIN AHMED: (*a*) Will the Hon'ble the Member in charge of the Department of Revenue (Land Revenue) be pleased to state the total number of managers and assistant managers in the Wards Estates in Bengal?

(*b*) Are there any Muhammadan managers in any Wards Estate in Bengal? If so, how many?

The Hon'ble the MAHARAJADHIRAJA BAHADUR of BURDWAN: (*a*) Twenty-seven.

(*b*) Yes; one.

Facilities to local bodies to utilize agricultural and sanitary improvements.

99. Khan Bahadur Maulvi WASIMUDDIN AHMED: (*a*) Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state what steps the Government have taken to afford facilities to the District Boards and Municipalities to have recourse to Bengal Act VI of 1920?

(*b*) Is the Hon'ble the Minister aware that the Pabna District Board resolved to undertake some works under that Act and a large number of the people of the district memorialised Government to grant them relief under that law?

(*c*) What action are the Government taking on those memorials?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*a*) Government recognize that it is desirable to encourage local bodies to utilize the Agricultural and Sanitary Improvements Act, VI of 1920. A handy edition of the Act with rules attached and an introduction explaining the principles and objects of the Act and describing the procedure to be followed in initiating schemes under the Act, is under preparation.

(*b*) and (*c*) The Minister is aware that the Pabna District Board desires to execute certain river-training schemes in the vicinity of the Hardinge Bridge. The Railway Board is not prepared to consent to any such projects being undertaken unless a weir is constructed to ensure proper control over the waters of the Baral so as to prevent any damage ensuing to the bridge. The project is a large one and a joint inquiry is being made by the Irrigation, Public Health and Agricultural Departments to ascertain the benefits which the scheme might produce and its feasibility. The scheme in any cases would be a costly one and it is not likely that it can be undertaken unless the agricultural improvement thereby produced is so considerable as to render it possible to recover the cost of the work from the people benefited.

Actions on Retrenchment Committee report.

100. Khan Bahadur Maulvi HAFIZAR RAHMAN CHAUDHURI: (*a*) Will the Hon'ble the Member in charge of the Department of Finance be pleased to lay on the table a statement showing—

(*i*) the names of the departments required to give effect to the recommendations of the Retrenchment Committee;

(*ii*) in how many cases the said departments have issued orders enforcing the proposals of the Committee; and

(*iii*) in how many cases the principle of the recommendations has been accepted and effect given to?

(*b*) Will the Hon'ble the Member be pleased to state—

(*i*) whether any conclusions have been formulated on the report;

(*ii*) whether the Government have arrived at any definite decision in respect of the recommendations made in the report; and

(*iii*) whether any instances have been found out in which the Committee's figures appear to be incorrect?

MEMBER in charge of DEPARTMENT of FINANCE (the Hon'ble Mr. J. Donald): The member is referred to the statement which has been circulated to all members of the Legislative Council.

Nomination from depressed classes to District and Local Boards.

101. Babu BHISHMADEV DAS: (*a*) Is the Hon'ble the Minister in charge of the Department of Local Self-Government aware that the Bombay Local Boards Act provides for nomination of members from the depressed classes?

(*b*) Are the Government considering the desirability of making similar provisions in the Act or a rule thereunder in this province?

(*c*) Is the Hon'ble the Minister aware that there has been a nominated Namasudra member on the Faridpur District Board and on Sadar Local Board for about 9 years but that none was nominated last time?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*a*) Yes.

(*b*) This question is not now under the consideration of Government. The question may arise in connection with the Bill which Government are contemplating for the amendment and consolidation of the law relating to local self-government in non-municipal areas, but Government are not prepared at present to make a pronouncement on questions of policy relating to this Bill.

(*c*) The facts are not as suggested in the question. A member of the Namasudra community has, however, been appointed to each of the Local Boards of Sadar, Goalundo, and Gopalganj, while three members of that community were elected to the last named Local Board and another such member has been appointed to the Faridpur District Board.

Defalcations in the Medical College Hospitals.

102. Mr. AJOY CHUNDER DUTT: (*a*) Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state—

(*i*) whether he has received any information about any defalcation in the Calcutta Medical College and Hospitals;

(*ii*) if so, what is the extent of such defalcation;

(*iii*) whether the matter has been investigated, and, if so, what has been the result of such investigation; and

(*iv*) whether the defalcation in the Calcutta Medical College and Hospitals which has been brought to light, indicates that the grants allotted to the Calcutta Medical College and Hospitals may be reduced by a large amount without diminishing efficiency?

(*b*) If so, will the Hon'ble the Minister be pleased to state whether the Government are considering the desirability of transferring a portion of the grant allotted to the Calcutta Medical College and Hospitals to the Carmichael Medical College and Hospitals?

(*c*) Will the Hon'ble the Minister be pleased to state whether he still considers it desirable to reduce the number of free beds in the different hospitals in Calcutta and to impose a charge on the poorer section of the community for getting medical relief at these hospitals?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*a*) (*i*), (*ii*) and (*iii*) A recent audit report of the Medical College Hospitals revealed some irregularities, involving—so far as the report showed—sums amounting to to Rs. 1,391-8-0. The amount has been made good. A departmental inquiry was made and a prosecution was instituted by the Superintendent of the Medical College Hospitals. The accused were acquitted.

(*iv*) No.

(*b*) The question does not arise.

(*c*) The justification for the levy of fees from patients who can afford to pay is not, in the opinion of the Minister, in any way affected by the irregularities referred to in (*a*).

Chittagong District and Local Board.

103. Babu ANNADA CHARAN DUTTA: (*a*) Is the Hon'ble the Minister in charge of the Department of Local Self-Government considering the desirability of abolishing the Local Board of Chittagong and of transferring its functions to the District Board as before?

(*b*) Will the Hon'ble the Minister be pleased to lay on the table a comparative statement showing the amounts of travelling expenses drawn by the Chairman and Vice-Chairman of the District Board and the Local Board of Chittagong during the first five years?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*a*) No. The general question of abolishing local boards in Bengal will be considered by Government in connection with the amendment of the Local Self-Government Act as a whole.

(*b*) A statement is laid on the table.

Statement referred to in unstarred question No 103 showing the travelling expenses drawn by the Chairman of the Chittagong District and Local Boards.

——	1918-19.	1919-20.	1920-21.	1921-22.	1922-23.
1. Chairman District Board ...	Rs. ...	Rs. ...	Rs. ...	Rs. 27	Rs. 632
2. Vice-Chairman, District Board ...	...	160	63	125	92
3. Chairman, Local Board, Sadar ...	...	...	...	181	38
4. Vice-Chairman, Local Board, Sadar ...	...	...	...	9	10
5. Chairman, Local Board, Cox's Bazar	...	...	...	62	...
6. Vice-Chairman, Local Board, Cox's Bazar	...	...	...	...	...

Chandaikana hât rioting case.

104. Maulvi HAMID-UD-DIN KHAN: (*a*) Will the Hon'ble the Member in charge of the Police Department be pleased to state—

(*i*) whether it is a fact that Kunja Behari, Gangaram Ghose, and 11 others were convicted of rioting by a Deputy Magistrate of Serajganj in a case known as the Chandaikana hât rioting case and each accused convicted and sentenced to six months' rigorous imprisonment;

(*ii*) whether it is a fact that the accused preferred an appeal to the Sessions Judge of Pabna to set aside the order of the lower court; and

(*iii*) whether it is a fact that the appeal was heard by Mr. Girish Chandra Sen, Sessions Judge of Pabna-Bogra, who in a lengthy judgment set aside the conviction and acquitted all the accused on the 2nd of December, 1922?

(*b*) Is it a fact that the Sessions Judge held that the order of the Subdivisional Officer, Serajganj, by means of a letter to stop the picketing of the excise shop at Chandaikana hât and the arrest of picketers there was bad in law, substance, spirit and form?

(*c*) Is it a fact that the Sessions Judge passed a severe stricture on the conduct of the Police and the Subdivisional Officer of Serajganj in the appeal?

(*d*) Will the Hon'ble the Member be pleased to lay on the table a copy of the judgment?

(*e*) Are the Government considering the desirability of awarding compensation to the accused?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Mr. H. L. Stephenson): (*a*) (*i*), (*ii*) and (*iii*) Yes.

(*b*), (*c*) and (*d*) A copy of the judgment is laid on the Library table.

(*e*) No.

Howrah Bridge.

105. Rai MAHENDRA CHANDRA MITRA Bahadur: (*a*) Will the Hon'ble the Member in charge of the Marine Department be pleased to state—

(*i*) the estimated cost of the cantilever type of bridge proposed to be constructed replacing the existing Howrah bridge; and

(*ii*) how funds are to be provided?

(*b*) Will the Hon'ble the Member be pleased to state whether any contribution will be made for the construction of the bridge from public revenues, and, if so, in what proportion?

The Hon'ble Mr. J. DONALD: (*a*) (*i*), (*ii*) and (*b*) The member is referred to the report of the Howrah Bridge (Finance) Committee and the Government Resolution thereon published in the *Calcutta Gazette* of the 25th July, 1923, which contain all the information which Government are at present able to furnish on the subject.

Copies of the report and of the Resolution are laid on the Library table.

Malaria in Manikganj.

106. Babu BROJENDRA KISHOR RAY CHAUDHURI: (*a*) Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to lay on the table a statement showing—

(*i*) the amounts spent by the District Board of Dacca in clearing jungle and disinfecting tanks and wells; and

(*ii*) the number of tanks and wells disinfected in the Manikganj subdivision,

during each of the last 5 years?

(*b*) Are the Government considering the desirability of publishing the report of the Assistant Director of Public Health on the prevalence of malarial fever in Manikganj?

(*c*) What action, if any, has been taken on the said report?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*a*) (*i*) and (*ii*) The table below furnishes the information.

(*b*) and (*c*) Government do not propose to publish the report which contains no information or proposals of special importance.

Statement referred to in the reply to clause (a) of unstarred question No. 106.

Year.	Amount spent by the Dacca District Board in clearing jungle and disinfecting tanks and wells.	The number of tanks and wells disinfected in the Manikganj subdivision.		REMARKS.
	Rs.	Tanks.	Wells.	
1918-19 ...	1,165	8	193	The clearance of jungle and the disinfection of tanks was confined to the Manikganj subdivision. Except that tanks and wells are also disinfected at Nangelbund (Narayanganj subdivision) on the occasion of the Baurini festival.
1919-20 ...	1,245	47	348	
1920-21 ...	2,162	47	365	
1921-22 ...	3,094	25	263	
1922-23 ...	5,633	52	345	

Probationers in Provincial Judicial Service.

107. Babu SURENDRA NARAYAN SINHA: Will the Hon'ble the Member in charge of the Judicial Department be pleased to state when effect is likely to be given to the scheme for appointing probationers in the Provincial Judicial Service or in the alternative whether it has been adopted anywhere on an experimental basis?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Sir Abd-ur-Rahim): The matter is still under consideration and has been kept in abeyance pending decision on the report of the Retrenchment Committee.

Pleadership Examinations.

108. Maulvi YAKUINUDDIN AHMED: Will the Hon'ble the Member in charge of the Judicial Department be pleased to state whether it is a fact that although the pleadership examination was abolished more than two years ago, yet the charge for it continues?

The Hon'ble Sir ABD-UR-RAHIM: The pleadership examination has been abolished, but the muktearship examination continues and the charge made is in respect of that examination.

Copyists and typists of Courts.

109. Maulvi YAKUINUDDIN AHMED: (*a*) Will the Hon'ble the Member in charge of the Judicial Department be pleased to lay on the table a statement showing—

(*i*) the number of typists and copyists attached to the Civil, Criminal and Revenue Courts, respectively, in the Province of Bengal at present;

(*ii*) the number of new appointments (temporary and permanent) made, district by district, after the issue of the Circular by the Hon'ble the High Court (General Letter No. 8 of 1921) to ameliorate their condition;

(*iii*) the earnings of the copyists and typists, district by district, in 1921-22, 1922 and 1923 (up to 30th June) since the issue of the said general letter of the High Court; and

(*iv*) the earnings of the copyists and typists during the last 3 years in the Criminal and Revenue Courts of Pabna and Sirajganj and also in the Judge's court of Bogra and Pabna?

(*b*) Will the Hon'ble the Member be pleased to state in what districts and from what time the typists and copyists are earning Rs. 80 and Rs. 50, respectively, according to the General Letter No. 8 of the High Court?

The Hon'ble Sir ABD-UR-RAHIM: (*a*) (*i*), (*iii*), (*iv*) and (*b*) The member is referred to the statement laid on the Library table in connection with unstarred question No. 140 asked by Shah Syed Emdadul Haq at the January session of the Council.

(*a*) (*ii*) Nil.

Water scarcity in East Mymensingh.

110. Mr. S. M. BOSE: (*a*) Is the Hon'ble the Minister in charge of the Department of Local Self-Government aware that there is a great scarcity of drinking water in various parts of East Mymensingh

specially in the villages under the Kathiadi, Kuliarchar and the Pakundia thanas in the Kishoreganj subdivision, in spite of the complaints made to the District Board?

(*b*) Will the Hon'ble the Minister be pleased to state what sums have been spent by the District Board for improving and extending water-supply in these thanas in 1921-22 and in 1922-23?

(*c*) Will the Hon'ble the Minister be pleased to state whether it is in the contemplation of the Government to direct that an experimental tube-well be sunk in some suitable locality in East Mymensingh?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*a*) Government have no information.

(*b*) Rs. 1,177 and Rs. 1,285 were spent in thana Pakundia during the years 1921-22 and 1922-23, respectively. No appreciable amount was spent in thanas Kathiadi and Kuliarchar.

(*c*) No funds are available for this purpose in the current year. The suggestion will be borne in mind when the budget estimates for 1924-25 are prepared.

Industrial Survey.

111. Rai HARENDRANATH CHAUDHURI: With reference to the reply given to my unstarred question No. 246 on the 20th February, 1922, will the Hon'ble the Minister in charge of the Department of Agriculture and Industries be pleased to furnish the information required if the "Industrial Survey" has been carried out?

SECRETARY to GOVERNMENT, DEPARTMENT of AGRICULTURE and INDUSTRIES (Mr. J. T. Donovan): The Industrial Survey is not yet complete. It is expected to be complete by the end of this year.

Publicity Officer.

112. Khan Bahadur Maulvi HAFIZAR RAHMAN CHAUDHURI: (*a*) Will the Hon'ble the Member in charge of the Appointment Department be pleased to state whether the Publicity Officer is doing the work which was previously done either by the Political Department or by some other Departments?

(*b*) If so, will the Hon'ble the Member be pleased to state the nature of the work and the savings, if any, effected in the departments concerned?

(*c*) Will the Hon'ble the Member be pleased to state what is the exact nature of the duties of the Publicity Officer to the Government of Bengal?

(*d*) Is it a fact that the Publicity Officer does the work of an advertiser for the Government?

MEMBER in charge of APPOINTMENT DEPARTMENT (the Hon'ble Mr. H. L. Stephenson): (*a*) So far as the work now done by the Publicity Officer was done at all before his appointment, it was done by the departments concerned, but there was no special staff for it.

(*b*) The question does not arise.

(*c*) The duties of the Publicity Officer are to supply information to the public and more especially to the press, and to keep Government in touch with the general trend of public opinion and with the press, as a whole.

(*d*) No.

Collapse of the Muhammadan Orphanage building.

113. SHAH SYED EMDADUL HAQ: (*a*) Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state whether the Building Department of the Calcutta Corporation examined the Calcutta Orphanage building before it sanctioned the erection of the two blocks on the second storey two months ago?

(*b*) Is it a fact that the authorities at the time of sanctioning the new blocks did not properly examine the structure of the building?

(*c*) Will the Hon'ble the Minister be pleased to state what opinion the engineer or the overseer of the Calcutta Corporation passed on the structure of the second storey when permission was granted for building up the two new blocks on the second floor?

(*d*) Will the Hon'ble the Minister be pleased to state whether the City Architect complained about the shortness of the staff before, and, if so, what action was taken by the Corporation in the matter?

(*e*) Are the Government considering the desirability of appointing a committee for holding an impartial and independent inquiry into the cause of the collapse of the building? If not, why not?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*a*), (*b*), (*c*), (*d*) and (*e*) The circumstances attending the collapse of the building used for the Muhammadan Orphanage arise in connection with the inquest now being held by the Coroner while the Calcutta Corporation has also appointed a special committee to inquire into the matter. Government do not propose to make an independent inquiry as the facts will be elicited in the investigations referred to and Government are not at present in a position to give any information on the points raised in the question. The results of the above inquiries will come under the cognizance of Government in due course.

District Agricultural Officers.

114. Rai MAHENDRA CHANDRA MITRA Bahadur: (*a*) Will the Hon'ble the Minister in charge of the Department of Agriculture and Industries be pleased to state whether it is a fact that the services of most of the District Agricultural Officers will be dispensed with?

(*b*) Are the Government considering the desirability of retaining the services of at least one District Agricultural Officer in each district for the agricultural development of the country?

Mr. J. T. DONOVAN: (*a*) The member is referred to the relevant portion of the statement, already supplied to him, indicating the action taken in regard to the various recommendations of the Bengal Retrenchment Committee.

(*b*) The answer is in the negative. Government have decided that for propaganda District Agricultural Officers will be retained only in such districts as have got agricultural farms. But as it is the policy of Government gradually to provide each district with a farm, there will ultimately be a District Agricultural Officer in each district.

Apprentices in Kanchrapara Workshop.

115. Rai MAHENDRA CHANDRA MITRA Bahadur: Will the Hon'ble the Minister in charge of the Agriculture and Industries Department be pleased to state—

(*i*) the number of Mechanical Apprentices in the Kanchrapara Workshop; and

(*ii*) the amount of money annually spent for their stipends and on other purposes in connection with their training?

Mr. J. T. DONOVAN: (*i*) Seventy-one.

(*ii*) The stipends are paid by the Eastern Bengal Railway authorities. The average annual expenditure incurred on account of stipends is Rs. 52,636. The expenditure of Government in connection with the training of the apprentices during the current financial year is estimated at Rs. 16,690.

GOVERNMENT BILLS.

The Calcutta Municipal (No. II) Bill, 1923.

The Hon'ble Sir SURENDRA NATH BANERJEA: I beg to present the report of the Select Committee on the Calcutta Municipal (No. II) Bill, 1923, and to move that the said report be taken into consideration.

The Bill makes a provision for the preparation of the budget of the new Corporation for the year 1924-25. There was an omission in the Act which we recently passed and that omission has now to be supplied. The machinery for the preparation of the budget as set forth in t original Bill was the General Committee. That is the machinery now employed by the Corporation for framing the budget. The Select Committee made a change in this respect. The Select Committee have recommended in supersession of the provisions of the original Bill that instead of the General Committee a Special Committee should be appointed for this purpose—the Special Committee to consist of 21 members, 13 being representatives of the Corporation and 8 representatives of the added area. In respect of this provision notice of an amendment has been given by my friend, Rai Harendranath Chaudhuri, and the matter will be discussed in this Council.

Then the Bill provides for the preferential treatment of the rate-payers of the added area. The Bill lays down that for the first year the rate-payers of the added area are not to pay rates and taxes in excess of what they paid in 1923-24, and in the next 4 years the assessment should be at a lower rate according to the discretion of the Corporation. In respect of this matter also there are two sets of amendments; Rai Harendranath Chaudhuri presses for an extension of this concession, and Mr. Mallik, the Chairman of the Calcutta Corporation, for its restriction, and it will be for this Council to decide between these two conflicting views.

Clause 8 of the Bill refers to a matter of administration. The 30th of September has been fixed by the Select Committee as the last date of the qualifying year. Mr. Cohen has given notice of an amendment fixing the 31st March as the last date.

Kumar SHIB SHEKHARESWAR RAY: I rise to a point of order. I do not think the amendments are before the House and cannot be discussed.

The Hon'ble Sir SURENDRA NATH BANERJEA: I am not discussing them at all; I am only referring to them.

Mr. PRESIDENT: The Hon'ble the Minister in moving that the report be taken into consideration is referring to the different amendments.

The Hon'ble Sir SURENDRA NATH BANERJEA: I was just referring to them and not discussing them. I do not see how any point of order is involved.

What I was saying was that there are these conflicting views and Government had originally decided—I think I am entitled to make that statement—that the 30th September should be the last date for the qualifying year. Subsequently facts were brought to their notice and

they have altered their decision and accepted the view which will be placed before this Council by Mr. Cohen, viz., that the 31st March should be the last date for the qualifying year. Government are prepared to accept this amendment.

With these remarks I desire to move that the report of the Select Committee be taken into consideration.

The motion was put and agreed to.

CLAUSE 1.

Mr. PRESIDENT: The question is that clause 1 stand part of the Bill.

The motion was put and agreed to.

CLAUSE 2.

Mr. PRESIDENT: The question is that clause 2 stand part of the Bill.

The motion was put and agreed to.

CLAUSE 3.

Mr. PRESIDENT: The question is that clause 3 stand part of the Bill.

Rai HARENDRANATH CHAUDHURI: I move that in clause 3(*1*) (*iv*), line 1, for the word " three " the word " four " be substituted.

As has been observed by the Hon'ble the Minister in charge the object of clause 3 is to constitute a committee for the examination and scrutiny of the first budget of the bigger Corporation. The Special Committee will consist of the representatives of the Corporation as well as of the representatives of the added areas which will be affected by that budget. If that be the object in view, I cannot understand how the number of representatives of the added areas can be fixed without due regard to the income and the resources which the respective areas will bring to the Corporation. Thus while the Manicktola municipality will bring to the Calcutta Corporation (under the present assessment) an income of not more than 3 lakhs of rupees, the Cossipore-Chitpore municipality will add to the income of the Calcutta Corporation even on the basis of the present assessment, more than 6 lakhs of rupees per annum. Moreover, it is known that the Cossipore-Chitpore municipality has got considerably more assets than the Manicktola municipality. Under these circumstances I think it is proper that the added areas, north of Calcutta, the areas under the Cossipore-Chitpore municipality, should have more representatives on the Special Committee than the Manicktola municipality. People who contribute more than Rs. 11 per head to the income

of their municipality ought certainly to have a greater voice than those who contribute only Rs. 4 per head to municipal income. With these few words I beg to suggest that for the word " three " the word " four" be substituted.

Babu AMULYA DHONE ADDY: I oppose this amendment because it appears to be inconsistent having regard to the income of these 3 municipalities, namely, Cossipore-Chitpore, Manicktola and Garden Reach, in comparison with that of the Calcutta municipality. It appears from the Administration Report for the year 1921-22 that the total revenue from these 3 municipalities was Rs. 10,76,000, whereas that of the Calcutta municipality was Rs. 1,58,00,000. Let us take into consideration the constitution of the proposed committee. Under the original Bill the Calcutta Corporation was to have 12 representatives, excluding the Chairman, and 7 representatives from these 3 municipalities. The Select Committee have increased the number of representatives of the added areas from 7 to 8. My friend, Rai Harendranath Chaudhuri, suggests that the number should be increased further to 9; so it appears that the proportion would be inconsistent. When wards Nos. 19 to 25 were added to the town proper in 1888, the Budget Committee consisted of 12 commissioners of the town proper and 6 commissioners of the added areas. Similarly, I beg to submit that this Budget Committee ought to consist of 6 commissioners of these municipalities. However, the Select Committee have suggested 8, and I do not object to that, but at the same time I must say that it would be an act of injustice to the citizens of Calcutta if the number is further increased.

Babu SURENDRA NATH MALLIK: I think the facts have been correctly put forward by my friend, Mr. Addy. To my mind there is absolutely no reason for this demand. It looks like the attitude of a fretful child who is being led to school for the first time. If that be the attitude, I would accept it, provided the Hon'ble the Minister will also give one more to us. I do not object to 3, 4 or 5. You have already got 21 members on this committee. Go on increasing it, and if you do so, sub-committees will have to be formed to which very few people will be able to come. That will be the result. As you are coming newly to us, I accept the position; I can appreciate the attitude, but I must ask for one more for ourselves.

The Hon'ble Sir SURENDRA NATH BANERJEA: I am in sympathy with the demand; and Government are prepared to accept the amendment.

My friend, Mr. Addy, has put forward figures before the House in order to show that the Cossipore-Chitpore municipality, as compared with the Calcutta Corporation in respect of revenue is nowhere. If these figures state facts, then they ought to get 1 or 2 only and not 3 representatives. I do not think those figures are at all relevant. The point at

issue is this: here is a committee to be appointed on which there will be the representatives of the added area. Is it not desirable that these representatives should obtain a footing, a considerable footing in this committee? They are being led into a new constitution with great powers, where they will be in a minority, and I think some sort of indulgence, some consideration, should be shown to them; and this comparison of the revenues of these municipalities with that of the Calcutta Corporation seems to me to be futile and uncalled for, and I am surprised that an experienced and skilful debater like my friend, Mr. Addy, should have brought them forward. I am prepared to accept the suggestion of the Chairman of the Calcutta Corporation that one more representative should be added to the Special Committee. I accept that view that there should be one more for the added area and one more for the Corporation; that is, in place of 8 there should be 9 for the added area and 14 in place of 13 for Calcutta.

Mr. PRESIDENT: Harendra Babu, you will get one more member for the added areas and one more for the Calcutta Corporation. Do you accept the proposition?

Rai HARENDRANATH CHAUDHURI: I accept it, but I do not accept the statement of Mr. Mallik.

The amendment standing in the name of Rai Harendranath Chaudhuri was then, by leave of the Council, withdrawn.

The following modified amendment of Sir Surendra Nath Banerjea was then put and agreed to:—

(*i*) That in clause 3(*1*) (*ii*), line 1, for the word "eight" the word "nine" be substituted; and

(*ii*) that in clause 3(*1*) (*iv*), line 1, for the word "three" the word "four" be substituted.

Mr. PRESIDENT: The question is that clause 3, as amended, stand part of the Bill.

The motion was put and agreed to.

CLAUSE 4.

Mr. PRESIDENT: The question is that clause 4 stand part of the Bill.

Mr. S. W. GOODE: I move that in the first proviso to clause 4 (*1*), line 8, after the word "assessed" the following be inserted, namely:—

"Under the Bengal Municipal Act, 1884, at the commencement of the Calcutta Municipal Act, 1923."

With your permission, Sir, I would slightly alter the phraseology of the printed amendment. I would propose to add after the word

" assessed " the words " and leviable under the Bengal Municipal Act, 1884, for the year ending the 31st March, 1924."

With your permission, I would also like to substitute the word " leviable " for the word " levied " in the tenth line of the same proviso.

The following modified amendment was then put and agreed to:—

" That in the first proviso to clause 4 (*1*), line 8, after the word " assessed " the following be inserted, namely:—

' and leviable under the Bengal Municipal Act, 1884, for the year ending the 31st March, 1924,' and that for the word ' levied ' in the tenth line in the same proviso the word " leviable ' be substituted."

Rai HARENDRANATH CHAUDHURI: I move that in the first proviso to clause 4 (*1*), line 13, for the word and figures "year 1924-25" the words and figures " years 1924-25 and 1925-26 " be substituted.

Whatever may be the opinion of some of the dissenters, it is evident that the majority of the Select Committee have appreciated the injustice of imposing on the people of the added area anything like the consolidated rate now prevailing within the present ambit of municipal Calcutta. The Select Committee, together with the Government members, have been rational enough to disbelieve in charmed circles and have refused and rightly refused to believe that mere declaration in the *Calcutta Gazette* that a certain area comes within Calcutta can have the magic effect of raising it in a day to the position of the metropolis. It has, therefore, been very rightly provided that the imposition on the added area of anything like the consolidated rate prevailing in Calcutta proper must take time and must await developments, which can take place gradually and come only in course of time.

But while such is the idea underlying the amendment made and the proviso added by the Select Committee to clause 4 of the Bill, I cannot understand why the Committee felt so much hesitation in doing full justice to the added areas and why the imposition of the consolidated rate should be kept in abeyance for one year, viz., 1924-25, only. If " the situation for the year 1924-25 will best be met by arrangements under which the totals of the rate on holdings, lighting rate, water rate and the latrine fees levied in respect of a holding in any of the added areas under the Bengal Municipal Act shall be deemed to be a consolidated rate levied under the new Calcutta Municipal Act," how will the situation so change at the end of the year 1924-25—after the lapse of one year only—as to justify the imposition of a consolidated rate at the beginning of the official year 1925-26? Does anybody seriously believe that in one year so much improvement will take place and so many developments will be effected simply by the inclusion of these areas within the Calcutta municipal limits, that the people and rate-payers of these added areas will come to enjoy those very amenities of municipal life which are

enjoyed by any of the existing parts of Calcutta? Surely, such an assumption is unwarranted. I, therefore, propose that the *status quo* be maintained for one year more, and let the consolidated rate under the new Calcutta Municipal Act be levied from 1926-27, i.e., from the time when the Calcutta Corporation will begin to spend its statutory lakh for the improvement of respective added areas. When the Corporation, in accordance with the provision of section 90 of the new Calcutta Municipal Act, will begin to spend for the improvement of the added areas " from the third year after the commencement of the new Act," how will it be justified in calling upon the people and rate-payers of the added areas to pay increased taxes from before that time? " I shall look to your improvements from 1926-27, but you pay higher taxes from 1925-26 " is certainly a proposition which is based neither on logic nor in consonance with justice and equity, however consistent it might be with the views of one newly called to office and flushed with the new wine of a new office.

Babu SURENDRA NATH MALLIK: It is very unfortunate that I have got to oppose the motion. I am in entire sympathy with my friend. He is trying his best to save his neighbours from any higher taxation, but unfortunately I do not think he has considered the question from different points of view. He has said that that by simply putting it down in the *Calcutta Gazette*, these portions have been made part of Calcutta and the people are asked to pay the same rates. But what has been proposed by the Hon'ble the Minister and what has been accepted by the Select Committee is something exceptional. It is wrong in principle that some portion of the city should be assessed on certain conditions and another portion on different conditions—it is unjust, to say the least; but we all accepted the suggestion that we should give them some concession, and, as a result of that, it was decided that for the first year we would not raise the tax by a single pie. They would continue to pay as before. Then it was the idea of the Hon'ble the Minister that after 1924-25 for the next 4 years we should assess them at a lower percentage of assessment. The Committee accepted that, but the Corporation objected, saying that the period should be 2 years and not 4 years. This is how the matter stands. Therefore, the idea is that for the first year after the amalgamation we do not raise the rates at all—we do not make any assessment till the second year; and even then we do so at a lower rate, that is, if the assessment be at the rate of 19½ per cent, they may be charged 18 or 18½ per cent. or whatever it might be decided upon. In this connection I may inform my friend that no such thing was done 30 years ago when other places were added to Calcutta. It was by mere flourish of a pen and a proclamation in the Gazette that the then added area and the fringe area came to be included in Calcutta then and the people of these parts were made to pay the same rates as the people of Calcutta proper. Then my friend says that " in 2

or 3 years you cannot make any improvements and so how can you expect these rates?" I think his idea is, that the liability placed upon us is this, that we have got to spend one lakh in original works of improvement for each of these localities for the first ten years, and this liability is to come upon us after 3 years; but, as a matter of fact, it will come upon us after 2 years. Section 90 of the Act, as passed, reads: "The Corporation shall, beginning from the third year after the commencement of this Act, spend annually for 10 years a sum of not less than one lakh of rupees on the execution of original improvement works within the areas which formed the Manicktola municipality, the Cossipore-Chitpore municipality and the Garden Reach municipality." That is the position. Therefore, we get only 2 years, and because we get 2 years' respite, we are prepared to give them respite for 2 years, that is, we are going to levy rates at a lower percentage. I may, however, tell my friend that it was only yesterday that we passed an expenditure of 46 lakhs, which we shall have to spend in the course of the next 4 years within these 3 added areas. In connection with our new water-works, according to our advisers, Messrs. Moore and Bateman, we shall have to add another 20 per cent. to our estimate in order to supply filtered water to these new areas, and the result is that this 20 per cent. would cost us 46 lakhs in capital expenditure on pipes and machinery alone, not to speak of the very large amount which we shall have to pay for acquiring additional lands for setting tanks at Pulta and Talla. This would come to about another 15 lakhs. Let my friend remember this, that within 4 years, by which time our water-works will be complete, we shall have to spend something like 60 lakhs or more over these municipalities. I ask, does it lie in my friend's mouth to say, "What are you going to do to improve these localities that you can ask for these rates?" Under the Act our liability is 30 lakhs in 10 years. In 4 years we are going to spend 60 lakhs on one thing alone, leaving aside road-making, sewer-making, and all that. I quite realise my friend's intention in moving this amendment, but I would like to place before him for his very careful consideration one fact—The longer you delay in paying up to the standard, the longer will be the delay in making improvements. You cannot both have the cake and eat it. If you are not willing to pay your rates, then take it from me—I shall not be there then—the Corporation will say that you must live within the zone of deferred improvements. Do not allow the Corporation to say this. You pay the taxes; and call upon the commissioners to do the improvements. So long you choose to pay less, you will be told that you pay so much less you cannot get full improvements. This is against your interest, but as the Hon'ble the Minister said, we and the Corporation thought over the matter, and as we understood that the people of these localities were objecting to giving the full rates, we decided that for the first year there should be no increase at all, and that in the second year there might be assessment, but that the taxes would be on a lower scale.

My friend will permit me to refer to another portion of his argument. He has asked in his motion No. 6 that the Corporation shall in no case assess——

Rai HARENDRANATH CHAUDHURI: May I rise to a point of order? Is he justified in dealing with that motion now?

Mr. PRESIDENT: It might save another speech. However, Mr. Mallik, you had better reserve that matter for your next speech.

Babu SURENDRA NATH MALLIK: Therefore the position is this. This state of things is not desirable in the interest of the people of these localities. If my friend had been a resident of this place, I do not know what he would have thought. I had a talk with the Chairman of the place in connection with the improvement of building sites and means of transit, and all that, and he is of opinion that it will simply delay matters if you take up this attitude. I put it to the Council seriously to think that if you insist upon paying less as your contribution to the municipal funds, is it likely that you will get all the improvements? Under all these circumstances, therefore, I have got to oppose the amendment.

Rai HARENDRANATH CHAUDHURI: May I ask Mr. Mallik how much of the 46 lakhs will be spent on Cossipore-Chitpore?

Babu SURENDRA NATH MALLIK: It will be about 20 lakhs.

Mr. S. W. GOODE: Government's attitude right through has been that it was desirable that in apportioning the cost of the improvement of these added areas, we should be not merely fair but generous to those areas, but I think that this is sufficiently provided for in the Bill which is now before us. Mr. Mallik has stated very cogently and logically the arguments against the present proposal and I have nothing to add to them. We think that this amendment is undesirable and that the Bill should stand in its present form.

Babu AMULYA DHONE ADDY: Mr. Goode has said that the attitude of Government with regard to these added areas is to be generous. But this is showing too much generosity to these municipalities at the cost of the people of Calcutta. In the case of the added areas in 1883 no such concession was granted.

Mr. PRESIDENT: We had all that from Mr. Mallik and you need not repeat it.

Rai Harendranath Chaudhuri's motion was then put and lost.

The following motion standing in the name of Rai Harendranath Chaudhuri was, by leave of the Council, withdrawn:—

"That the second proviso to clause 4(*1*) be omitted."

Mr. PRESIDENT: The question is that clause 4, as amended, stand part of the Bill.

The motion was then put and agreed to.

CLAUSES 5 AND 6.

Mr. PRESIDENT: The question is that clauses 5 and 6 stand part of the Bill.

The motion was put and agreed to.

CLAUSE 7.

Mr. PRESIDENT: The question is that clause 7 stand part of the Bill.

Babu SURENDRA NATH MALLIK: I beg leave to withdraw the first part of my amendment.

The following amendment was then, by leave of the Council, withdrawn:—

"That in clause 7, in line 4, the word and figures "1927-28 or 1928-29" be omitted and the word "or" be inserted after the figures "1925-26."

Babu SURENDRA NATH MALLIK: I move that in line 9, after the word "Act" the words "or in any specified locality thereof" be inserted.

The reason why I put in these motions would appear from what I have already submitted, namely, that the Corporation thought that instead of 4 years, 2 years' indulgent treatment would be enough, i.e., they might be assessed at a lower rate for 2 years after the first year in which their rates would not be increased. The first portion I have withdrawn and the second portion I move because it would not be to the interest of these municipalities not to have these words included and I would point out the practical difficulty that would follow from their non-inclusion. Under this section the Corporation have been given power to fix in respect of the lands and buildings in any of the several areas a rate at a lower percentage on the annual valuation than the percentage which is fixed for that year generally in respect of lands and buildings in Calcutta, i.e., they can deal with any of these municipalities with indulgence. To my mind it appears to be possible that if too much is demanded nothing might be done. If the members of the Corporation find that there are areas—as certainly there are—in all those municipalities which are very poor, they will agree to the levy of a smaller rate in those areas for a long time. But if as a result of this, you demand that the whole municipality should be excluded and not any particular part thereof and that the taxes of that municipality as a whole should be reduced, then my submission to the House is that that is not likely to be done, because no commissioner

will agree that there is any the slightest reason to show concession to a portion of that particular municipality where land is selling at Rs. 2,000 a cottah, where there is extensive interest of the railways and the Port Commissioners and the jute people and others. If you want to have concession for the poorer localities, then there is some chance of you getting it; but if you insist upon the whole municipality being taken into account I do not think you have much chance. I therefore want to put in these words " or in any specified locality thereof." The Corporation have the right to fix a lower rate in the case of a whole municipality and I want to give the Corporation power to fix a lower rate for any specified portions thereof, if they so desire. The chances are that this concession will be shown to a part of the municipality rather than to a whole municipality. I do not know why the Hon'ble the Minister should not accept this, because this will be something which will help the parties concerned.

Babu AMULYA DHONE ADDY: I beg to second this amendment.

Mr. D. C. GHOSE: May I rise to a point of order? Can the hon'ble member second an amendment?

Mr. PRESIDENT: It is a mere rhetorical flourish on the member's part.

Babu AMULYA DHONE ADDY: The legislature is going to authorise the Corporation of Calcutta to charge a reduced rate in respect to any of these added municipalities, but, as a matter of fact, the Corporation is not likely to do that, especially in regard to places such as Cossipore-Chitpore, which are already fully developed. But the Corporation may exercise a discretion in the case of a specified area within that municipality which is inhabited by very poor people, or an area which is not properly developed. I know, as a matter of fact, that in certain localities the people will not get sufficient filtered water in the course of 4 years. Therefore, some concession should be shown to them. I have sad experience of the working of the Calcutta municipality. Ward No. 23 had been amalgamated in 1889. We are assured of an efficient and continuous supply of filtered water and we have been charged full water rate, but in certain parts of this Ward the pressure of filtered water is not even 5 feet. The Corporation is quite helpless because the legislature has not authorised them to reduce the rate in this area. That is the reason why it is desirable for the sake of the poor inhabitants of the newly added area that the Corporation should be authorised to make a concession in respect of certain specified areas. This is the unanimous recommendation of the Calcutta Corporation.

Rai Dr. HARIDHAN DUTT Bahadur: I rise to give my humble support to the proposal of Babu Surendra Nath Mallik. When we

discussed this matter in the Select Committee one important factor was lost sight of, and that is this—that even if it was desirable to extend remission of taxation to some of the municipalities which are now going to be amalgamated with Calcutta, there may be localities in them which are practically as much developed as any portion of Calcutta itself. I refer to such places as Sura, Baliaghata, Tala, Garden Reach, etc. These are localities which can stand competition with certain parts of Calcutta. It is not necessary to extend the concession to these places, but there are other places where this concession should be granted, and Mr. Mallik's idea is to extend this concession to these specified areas. I think his proposal is reasonable and I support it.

The Hon'ble Sir SURENDRA NATH BANERJEA: I am sorry I have to oppose the amendment of my hon'ble friend. I think the amendment, and if I may add, the speech, proceeds upon what I may call a fallacy. The unit of assessment is not the locality, but the holding. In a particular locality there may be holdings occupied by poor people and holdings occupied by the rich. Therefore, it is obvious that if you want to exempt poor people you must not proceed upon the basis of locality, but that of the holding. Thus the relief which my friend wants to afford will not be forthcoming. Another consideration should not be overlooked. If you desire to make exceptions on the grounds which have been put forward by my friend, does he not realise that there will be considerable pressure and there may even be corruption? All those arts which are employed for the purpose of persuading and coercing people will be largely in evidence. I think we ought to avoid them. For these reasons I submit that we should stick to the Bill as it is, and therefore I oppose the amendment.

The motion was then put and a division taken with the following result:—

AYES.

Addy, Babu Amulya Dhone.
Ahmed, Munshi Jafar.
Ali, Munshi Amir.
Azam, Khan Bahadur Khwaja Mohamed.
Banerjea, Dr. Pramathanath.
Banerjee, Rai Sahadur Abinash Chandra.
Bhattacharji, Babu Hem Chandra.
Bose, Mr. S. M.
Das Gupta, Rai Bahadur Nibaran Chandra.
De, Rai Bahadur Fanindralal.
Dutt, Rai Bahadur Dr. Haridhan.
Ghose, Mr. D. C.
Haq, Shah Syed Emdadul.
Makramali, Munshi.
Mallik, Babu Surendra Nath.
Mitra, Rai Bahadur Mahendra Chandra.
Mukhopadhaya, Babu Sarat Chandra.
Raikat, Mr. Prasanna Deb.
Roy, Babu Jogendra Krishna.
Sinha, Babu Surendra Narayan.
Suhrawardy, Dr. Hassan.

NOES.

Ahmed, Maulvi Azaharuddin.
Ahmed, Maulvi Yakubuddin.
Ahmed, Mr. M.
Ali, Munshi Ayub.
Banerjea, the Hon'ble Sir Surendra Nath.
Barma, Rai Sahib Panchanan.
Barton, Mr. H.
Basu, Babu Jatindra Nath.
Birley, Mr. L.
Carey, Mr. W. L.

Chaudhuri, Rai Harendranath.
Chowdhury, Maulvi Fazlal Karim.
Cooper, Mr Charles C.
Crawford, Mr T. C.
De, Mr. K. C.
Dey, Mr. C. C.
Donald, the Hon'ble Mr. J.
Donovan, Mr. J. T.
Dutta, Babu Annada Charan.
Duval, Mr. H. P.
Emerson, Mr. T.
Goode, Mr. S. W.
Hornell, Mr. W. W.
Huntingford, Mr. G. T.
Karim, Maulvi Faz'al.
Khan, Babu Debendra Lal.
Khan, Maulvi Md. Rafique Uddin.
Maharajadhiraja Bahadur of Burdwan, the Hon'ble the.
Marr, Mr. A.
McAlpin, Mr. M. C.
McCay, Lt.-Col. David.
Mitter, the Hon'ble Mr. P. C.
Mukerjea, Mr. S. C.
Mukherjee, Babu Nitya Dhon.
Philip, Mr. J. Y.
Raheem, Mr. Abdur.
Rahim, the Hon'ble Sir Abd-ur-.
Ray, Babu Surendra Nath.
Ray Choudhury, Raja Manmatha Nath.
Robertson, Mr. F. W.
Rose, Mr. C. F.
Roy, Babu Jogendra Nath.
Roy, Mr. J. N.
Sarkar, Babu Jogesh Chandra.
Skinner, Mr. N. E.
Stephenson, the Hon'ble Mr. H. L.
Stuart-Williams, Mr. S. C.
Travers, Mr. W. L.
Villiers, Mr. F. E. S.

The Ayes being 21 and the Noes 49, the motion was lost.

Rai HARENDRANATH CHAUDHURI: I move that at the end of clause 7 the following words be added, namely:—

"and the Corporation shall in no case so assess any lands and buildings in the said added area as to enhance by more than twelve-and-a-half *per cent.* the total amount of taxes payable under the next preceding assessment."

Mr. Mallik, in the course of his reply to the foregoing amendment, hinted that I was speaking without authority and also I was not a resident of the Cossipore-Chitpore area. If I had been a resident of Cossipore he would have probably accused me as an interested party. His argument cuts both ways.

Babu SURENDRA NATH MALLIK: I am sorry he could neither hear me nor understand me.

Rai HARENDRANATH CHAUDHURI: Let me assure the Council that I speak with authority. This amendment which I am going to move has been suggested to me by one of the municipal authorities of Cossipore-Chitpore. Now, Sir, the object of clause 7 is clearly to afford some relief to the ratepayers of the added areas. Mr. Mallik, by withdrawing the first part of his amendment No. 5, admits that these areas deserve indulgent treatment for 4 years. But those who are so liberally inclined should see that they do not deceive themselves. For although the people of the added areas will much appreciate the proposal for the imposition of a lower rate for 4 years (than the rate on lands and buildings in Calcutta generally), it is the immediate extension of the principle of assessment that obtains in Calcutta that they are really and more afraid of. For although it might be true, as my friend, Mr. Addy, alleges, that "in comparison with Calcutta, the annual valuation of holdings in the newly added areas is, in the opinion

of the assessors of the Calcutta Corporation, very low," it must be borne in mind that there is no other municipality working under the Bengal Municipal Act (except probably Darjeeling) where the people have got to pay a higher rate of tax per head of population than in Cossipore-Chitpore. "The average incidence of taxation per head of population," as the Report on the working of the municipalities in Bengal for 1921-22 observes, "is the highest in the hill municipality of Darjeeling (the rate being Rs. 9-10). Next comes the Cossipore-Chitpore municipality" (the rate being Rs. 8-2-7). Even in Dacca, the second town in the province of Bengal, the incidence of municipal taxation per head does not exceed Rs. 2-14-2. How is it then that in spite of such a comparatively high rate of municipal taxation the people of the added areas of Cossipore-Chitpore are afraid of a very big increase of municipal taxes? Only because they are afraid that while they are now paying taxes on the annual letting value of the premises, the Corporation authorities and assessors will assess the annual value on the value of the land in the holding as well as on the estimated cost of construction of the buildings thereon. It is the principle of assessment of the annual value of premises that is more in question than the "rate" of taxes, and if this is understood, then I believe those who are really inclined to give real relief to the rate-payers of the added areas will see their way to accept the amendment which, while embodying the principle of a gradual increase in rates, and taxes, is meant to safeguard the rate-payers of the added areas against the sudden imposition of a much too heavy burden.

Babu SURENDRA NATH MALLIK: I am sorry I must oppose this. I really could not understand how the mover, who is otherwise such a reasonable man, could go to the length of proposing a motion like this. I think, Sir, that being a zamindar and used to permanent settlement, he wants to introduce that idea here that so far as Cossipore-Chitpore is concerned the taxation must be permanently settled. I find that there is something more too. He has given us some very good reasons. He said that this motion was suggested to him by some of the municipal authorities of Cossipore-Chitpore. Sir, I do not wonder at it—that is the result of the indulgence that the Government have given them. It is the most preposterous suggestion I have ever heard.

Mr. S. W. GOODE: Sir, Government agree with Mr. Mallik.

The motion was put and lost.

Mr. PRESIDENT: The question is that clause 7 stand part of the Bill.

The motion was put and **agreed to.**

CLAUSE 8.

Mr. PRESIDENT: The question is that clause 8 stand part of the Bill.

Mr. D. C. GHOSE: Before I move my amendment I should like to point out that there is a printing error. My amendment should read thus:—

"That in clause 8(*a*)(*iii*) for the proposed proviso the following be substituted, namely:—

"Provided that such payment has been made during and in respect of the previous year or the first half of the current year.

Explanation.—'Previous year' means the year preceding the year in which the election is held, and the current year means the year in which the election is held.'"

At the outset, I may tell the Council that my amendment is substantially on the lines of the recommendation of the Corporation—a recommendation which they made twice in connection with this matter. First, when the main Bill was being considered, they made this recommendation, and secondly, they again repeated it when the present amending Bill was being considered by the Select Committee. I venture to think, Sir, that, if their recommendation had been accepted, we should have been spared all this trouble. In this connection, I cannot help complaining that the recommendations of the Corporation, not only with regard to this matter, but also with regard to other matters, have not received at the hands of the members of the Select Committee the consideration that they deserve. Now, Sir, clause 8 of this Bill relates to section 20 of the new Act; and in order to understand the clause it is necessary to recall what section 20 deals with. Section 20 specifies the qualifications of the electors of the general constituencies; and so far as those qualifications are held to arise from payment of rates and taxes, it is provided that the payment of a minimum sum of Rs. 12 qualifies a man to vote. Now, Sir, two questions naturally arise: first, in respect of what period this minimum sum of Rs. 12 is to be paid, and secondly, during what period that payment is to be made. These are entirely two different questions.

Mr. PRESIDENT: You can move 7 and 8 together as they cover the same point.

Mr. D. C. GHOSE: I submit, Sir, they are not exactly the same.

Mr. PRESIDENT: I would like to have one discussion on items 7, 8 and 9.

Mr. D. C. GHOSE: Obviously, Sir, some limits must be prescribed in regard to both these matters, namely, first, the period for which the payment is to be made, and secondly, the time during which the payment is to be made. What are those limits to be? The Corporation recommended that, as regards the first, the limit should be the previous year or the current year or any portion thereof; and as regards the time, the Corporation recommended that the limit should be the 30th of September preceding the election. Now, let us see what the Select Committee have done. The Select Committee have entirely done away with the suggested limit regarding the time of payment. They thought it was unnecessary. It would probably have been unnecessary, if it had been laid down that, in order that the payment of certain rates and taxes might qualify for a vote, the name of the rate-payer should be entered in the registers of the Corporation. Unfortunately, there is no such provision now in the Bill. There was some such provision in the draft Bill, but the Select Committee, in their wisdom, have done away with it. Now, the result is that in the Bill we are now considering there is no limit laid down for the time of payment. This, I venture to think, is a very serious omission, and ought to be made good. Then, Sir, as to the period, in respect of which the payment is to be made, the Bill provides that the payment should be in respect of the 12 months ending the 30th of September preceding the election. Let us understand this with reference to the election that will take place in April, 1924. If the provision of the Bill were passed into law, then the period in respect of which the payment must be made, would be from October, 1922, to September, 1923. If, on the other hand, we had a provision like the one in the Act now in operation—and that is the amendment of Mr. Cohen—then the period with reference to the election of 1924 would be from April, 1922, to March, 1923. Now, my amendment takes the period six months further back beyond October, 1922. It would make the period in question run from April, 1922, to September, 1923. Not that the payment must be in respect of the whole of this period of one year and a half, but it may be in respect of this period or of any portion of it. Under the existing Act, payment for the previous year is held to qualify, and I see no reason why the new Act should restrict that in any way. I propose that the limit of the qualifying period of payment should commence, as now, in April, 1922 (speaking, of course, with reference to the election of 1922), and should end in September, 1923, as proposed by the Select Committee. In other words, as regards one limit I accept the existing Act and as regards the other, I take the Select Committee's proposal.

I find Mr. Goode in his note says that it will make very little difference whether the 31st March or the 30th September was taken as the end of the qualifying year. This, Sir, is a statement made under a misapprehension. I submit, Sir, that this would be probably true

so far as the house-owners are concerned, because the charges would be likely to be very few. But, Sir, if you look at the provisions of the new Act, you will find that the occupiers of flats are going to be enfranchised, occupiers, who pay Rs. 25 per month as rent for 6 consecutive months. If my proposals were accepted, that is, the period of payment were extended up to the 30th of September, these occupiers would be entitled to come into the Voters' List by paying rent for 6 months, say, from March to September. Owners of *bustee* huts are also going to be similarly enfranchised under the new Act—owners who own huts for 6 consecutive months. Now, if Mr. Goode's views were accepted, there can be no doubt both these classes of people, viz., occupiers of flats and owners of *bustee* huts, would be disenfranchised, that is to say, those amongst them who would have acquired the necessary qualification during the six months, March to September. At any rate that is the view that I take from a reading of the provisions of the Bill and the note submitted by Mr. Goode. Sir, if it is the object to enfranchise a large number of people by this new legislation, then, I submit, that this Council ought not to take away with one hand which it gives with the other. You are providing in this Bill for their enfranchisement, but, then, you so specify the period, for which the payment is to be made, that automatically they become disenfranchised. Then, Sir, if you accept the provision of the Bill, namely, take the period from October, 1922, to September, 1923, I submit that those who pay professional licenses would be disenfranchised. These licenses are not paid on the basis of such a year, but are paid on the basis of a complete financial year extending from April to March. Therefore, if your period be 12 months, ending on the 30th of September, preceding the election, then those who pay professional licenses, viz., those paying for a period from April, 1922, to March, 1923, would be automatically disenfranchised. I would therefore submit, that the Council should accept my proposal, and thereby do away at once with all kinds of difficulties. You do not disturb those people who are already on the Voters' List by reason of their payment from April, 1922, to March, 1923, and you do not also disenfranchise those who would come in or could come in under your new legislation by payment of rent or by reason of ownership of huts in *bustees* for 6 consecutive months, namely, from March to September.

As has already been urged in the Corporation and also in the Select Committee by my esteemed friend, Mr. Mallik, the democratic franchise ought to be a real one. In other words, the list ought to be as up to date as possible.

Therefore from that point of view, the outer limit surely ought to be 30th of September. If you will analyse my proposal you will find that I have taken from Mr. Cohen's amendment one of the limits, i.e., the inner limit and from the provision in the Bill the other limit,

viz., the outer limit—30th September. To put the matter briefly speaking with reference to the election to be held in March, 1924, I say that so far as the period in respect of which payment of rates or taxes should qualify, is concerned, it should be from April, 1922, to September 1923, or any portion thereof.—

The Hon'ble Sir SURENDRA NATH BANERJEA: That is, 18 months.

Mr. D. C. CHOSE: Yes, and if this proposal is accepted, I submit all difficulties will vanish, and all classes of people, I mean people who have the right to come on the Voters' List, will be able to get the vote. I therefore move my amendment.

Mr. PRESIDENT: I hope that you have moved the amendment No. 8. I asked you to move both amendments Nos. 7 and 8.

Mr. D. C. CHOSE: I wanted to wait and see the fate of this amendment. However, as I have already explained the reasons, I formally move amendment No. 8:—

> "Provided that such payment has been made during and in respect of the twelve months, or part of the twelve months, ending on the 30th September immediately preceding the election."

Mr. D. J. COHEN: I move that in clause 8(*a*)(*iii*), lines 4 and 5, for the words and figures "the twelve months ending on the 30th day of September last" the words "the year last" be substituted.

I have carefully considered this question and I am satisfied that the qualifying year should be the financial year preceding the election. The grounds urged——

Mr. D. C. CHOSE: May I rise to a point of order? Can Mr. Cohen's amendment be considered along with mine?

Mr. PRESIDENT: Yes, I think so.

Mr. D. C. CHOSE: But they are not on the same lines.

Mr. PRESIDENT: I think they can be considered together.

Mr. D. J. COHEN: The grounds urged in favour of having the qualifying year, the twelve months ending the 30th September are—(1) that the list will be brought more up to date, and (2) that it will include many men who would otherwise, if the year were taken to end on the 31st March, be excluded. There is no justification in saying the list will be stale if my amendment is accepted, because it has to be

borne in mind that whatever amount may have been paid by a particular person, his retention in a particular roll depends on his proving that he owns or occupies or resides in any premises or exercises any profession, trade or calling within a particular constituency. This, to my mind, effectually disposes to a very large extent the argument that the list will be stale. Naturally, of course, if the Select Committee's proposal be accepted, the list will contain a few names who would not find a place under my amendment. These will include a very small number of new owners and an equally small number of new occupiers. It cannot be denied that the number of houses changing hands during a period of six months is very small, and so far as the occupiers are concerned, the fact that the rule has been made elastic to the extent that it will not be necessary for a tenant to occupy one particular residence for six months in order to qualify him as an elector, but that he may occupy more than one house, provided he can prove that he has paid at least Rs. 25 a month as rent for a period of six months will provide sufficient facilities to those who care to have their names enrolled. On the other hand, the disadvantages of the Select Committee's proposals are many. To be entitled to be enrolled as an elector, the proviso lays down that payments must have been made in respect of the 12 months ending on the 30th September last preceding the election. Professional, trades and calling licenses are annual licenses and issued in respect of the 12 months ending the 31st March. As has been already pointed out, it will be a legal question to decide whether under the circumstances some of those could be included in the roll, as they have not paid licenses in respect of the 12 months ending 30th September, but in respect of the 12 months ending 31st March. This will be in respect of licenses of the value of Rs. 25 and over, but for licenses of Rs. 12, even if you were to change the proviso and insert the words " during the year," it will not help them. These people will have to be shut out because all the payments are usually made at the end of the financial year. These people will be taken as having paid Rs. 6 for the half-year September, 1922, to March, 1923, and as they usually pay their license fees at the end of every financial year, it is not expected that these people will pay anything between March, 1923, and September, 1923. The result will be that these people will have to be kept out. It may be argued that these licenses are due on the 1st of April. That may be so, but as a general practice, the Chairman of the Corporation has always allowed these people and, as a matter of fact, has allowed every one the facility to pay any day up to the end of the financial year. Every person interested in these elections would like to have as perfect a roll as possible, but if the period be taken as ending on the 30th of September, the lists will be so hurriedly prepared that a large number of men who would otherwise have found a place in the roll will be excluded. Under the proviso as accepted by the Select Committee, an occupier of a flat or house or the owner of a hut shall be

entitled to pay the rent up to the evening of 30th September to complete the period to qualify him as an elector. This being so, it will be necessary to allow these people some time after the 30th September to apply to the Executive Officer to have their names entered in the special register suggested by the Select Committee and after all such applications have been received, inquiries will have to be made specially in the case of owners whether the application is a *bona fide* one or not. This will take an appreciable amount of time because the Select Committee has omitted the proviso that the name of any person by whom the rates have been paid either as owners or as occupiers must appear in the assessment book in respect of the premises on account of which such payment or portion thereof has been made. The result of this is that every application from an owner will have to be looked into carefully before his name is entered in the special register. Now look at the amount of time this will take and this will only be preliminary to the issuing of the draft roll. Then after the draft roll is published sufficient time will have to be given, this time to prospective candidates to enable them to find out the number of people not qualified to vote, to enable them to object to the retention of those names, and we must also admit claims from new applicants. These claims and objections when received will have to be decided by the revising authority who usually acts on the report of the Assessment or License Department and when they have been decided, the final roll will then have to be published. Have we sufficient time to get all this done between the 1st October and the date of election? We have extended the franchise on paper and if our intention is to extend it in practice, we must look at probabilities straight in the face and consider seriously the objections raised by the Deputy Chairman of the Corporation, a gentleman who has worked and brought out the present preliminary electoral roll for the next election to this Council. I will read out one paragraph to show what he thinks of it:—

> If only a few days are given for the preparation of the draft rolls as will be the case if the year ending 30th September is taken, it will be impossible to bring in or include all those who are entitled to the franchise. It will not be possible to include occupiers and hut-owners who come under clauses (*b*) and (*c*) of section 20 of the new Act within the very short time that will be allowed for the preparation of the draft roll. It is a task of immense magnitude to bring these people in, because there are 50,000 holdings the occupiers of which will be enfranchised and the franchise can only be allowed after inquiries being held and proofs of payment of rent and rates being adduced. This cannot be done in a few days. The advantages to be gained by postponing the qualifying period till the 30th September of the year of election are not commensurate with the expenditure involved and the disadvantages are so great that they will hardly compensate for the advantages to be gained.

His experience must count and he has repeatedly told us that the work cannot be satisfactorily done if the qualifying year be taken to end on the 30th September. I would lastly place before the Council the question of costs. I would endeavour to show that the advantages that will accrue will be of doubtful utility having regard to the danger of the possibility of having several names left out owing to the manner in which the work will have to be rushed through. In addition to this, the work which would, to a large extent, be done together for the Council and Municipal elections, if my amendment be accepted, will otherwise have to be done once again. This will involve a pretty large expenditure of money because the work is being duplicated. It might be argued by the other side that the qualifications for the Council and Municipal elections are not the same. This is true. Having regard, however, to the fact that the present qualifications for Council elections have been taken from the recent Municipal Act, is it not reasonable to expect now that the municipal franchise has been extended, this Council will alter their own rules accordingly in the near future and when that is done, the amount saved will be still greater than will be the case now if my amendment is accepted and the qualifying year be taken as the year ending 31st March?

I will now say a few words with regard to what Mr. D. C. Ghose has said in connection with the Corporation resolution. It is true that this matter was placed before the Corporation twice. On the first occasion, we had not before us the Deputy Chairman's note and we did not consider it thoroughly. After the receipt of the Deputy Chairman's note, the Committee went through it and resolved to accept the Deputy Chairman's recommendation. I would read out the recommendation of the Committee:—"That the Committee recommend that the year ending 31st March be adopted as the qualifying year instead of the 30th September."

Mr. D. C. GHOSE: That is not the decision of the Corporation.

Mr. D. J. COHEN: I am glad to tell you that the Chairman supported it. When this matter came up before the Corporation again, there were just a few members present and the votes were almost equally divided—8 to 7. It cannot, therefore, be said, that this was the opinion of a large majority of the Corporation.

Mr. D. C. GHOSE: A majority is a majority.

Mr. D. J. COHEN: So, it cannot be said that the Corporation by any large majority has decided the question in favour of the year ending 30th September.

Then as regards the first motion of Mr. D. C. Ghose, he wants to extend the period to a year and a half. That in itself shows that my amendment ought to be accepted because if you want to extend

the period, why should it be a year and a half only? Why not two years and a half, dating it from the 1st April, after the preceding election? Everywhere it is only a year preceding the election, and I do not see why this Council should decide otherwise.

Mr. S. W. GOODE: Government think that Mr. Ghose's two amendments must be opposed, although there is one good point in the second which I should like to——

Mr. PRESIDENT: Which amendment are you speaking on?

Mr. S. W. GOODE: I am dealing with the two together. The main point at issue is whether the year in which the qualifications for a vote shall accrue will be the year ending on the 31st of March or the year ending on the 30th of September. Mr. Ghose has stated that if you make the qualifications accrue within the year ending on the 31st of March, you thereby automatically deprive a great many persons of the vote whom you have recently enfranchised in your new Municipal Act. I have stated in my note of dissent that this view appears to be based upon an entire misapprehension of the facts. I state with every confidence that a red herring has been drawn across the trail in this case in so far as it has been asserted that Mr. Cohen's proposal is made in favour of the landlords and that it is undemocratic. Democracy has nothing to do with this question. It is purely a question of administrative convenience and, generally speaking, apart from some few particular cases, I can assert with every confidence that those persons who will be enfranchised if the qualification accrues in the year ending on the 30th of September will also be enfranchised in the year ending on the 31st of March. Mr. Ghose has admitted this in respect of owners and occupiers who find a place in the electoral roll. He says what about the tenant? Let me take the case of a tenant who has occupied a house in Calcutta or a flat or a suite of rooms from, say, the 1st of April, 1922, until the 30th of September, 1923. Let us assume that on the 31st of March, 1923, he shifted his abode and removed to some other house. Mr. Ghose suggests that in some mysterious way if you limit the period during which qualifications accrue to the 31st of March instead of the 30th of September, that person will automatically lose the franchise. That is not the case at all. If this person has paid Rs. 25 as monthly rent for the six months ending on the 31st March, it does not matter where he lives in the period from the 31st March, to the 30th September. His right has accrued and he is competent to vote under this Act. Moreover, his right to vote will accrue in the ward in which he resides when the roll is prepared. Let it not be thought that by shifting his residence on, say the 31st March, such a person will thereby be obliged to vote in the ward in which he last resided. Under section 20 (*b*) of the main Act, his qualification will accrue in the constituency in which he resides when the roll is prepared, although his rent

may have been paid in respect of a house in some other constituency and this is a very fair solution. It is convenient that he should vote in the ward in which he resides at the time of election. I entirely fail to understand how Mr. Ghose and other members of the Corporation who have discussed this question contend that there is a question of democracy and landlordism involved in this matter. I am sure that Mr. Ghose will acquit Government of any wilful intention to side with the landlords in this matter, but in effect he implies that our apprehension is so blunted that unwittingly we have been led into a trap and that we are attempting with the best of motives in the world to make changes which will greatly benefit the landlord and will disenfranchise those persons to whom we wished to give the vote.

Mr. D. C. CHOSE: May I rise to offer a personal explanation? In my speech I never made any such allegation that Government were siding with the landlords.

Mr. S. W. COODE: If Mr. Ghose had listened carefully, he would have seen that I assumed him to credit Government with good intentions in this matter; but he implies that Government have unwittingly made a mistake. I have studied this matter carefully in view of certain statements that have been made regarding the effect of Mr. Cohen's proposal. I am absolutely convinced that by means of the amendment which Mr. Cohen has suggested the vote will not be taken away from any one, at least from any class of persons. There may be occasional cases, which will be influenced by the change. A man who first migrates to Calcutta on the 31st March will have no vote. Obviously, it is quite reasonable that he should not. Again a person who formerly resided in Calcutta and went away and subsequently returns after the 31st March will have no vote. But are we to trouble the draftsmen about these few individuals? We are dealing with classes.

I cannot spend more time on this point, but I would contend that if Mr. Ghose is satisfied that the anomaly or disaster which he apprehends will not result from this change in the Bill, then I am sure he must agree that all the advantages are in favour of Mr. Cohen's amendment. It is true that from the ideal point of view as I have already stated, the nearer you bring your date before which the qualifications must accrue to the date of election, the better your roll will be, but we must consider also the administrative advantages. We are assured by the Corporation officials that there will be a great difficulty in preparing a correct electoral roll within the date which the present Bill fixes.

Again, it is most essential that steps should be taken to bring the Legislative Council and the Municipal Electoral Roll as regards preparation on a common basis. The whole trend of legislation in England for the last 80 years has been to bring the Parliamentary and the Municipal

and other local electoral rolls into accord and to have them prepared by one simultaneous process. It is most important that we, in order to save money, both to Government and the Corporation, should aim at the same object. England introduced it years ago. Let us benefit by their experience and incorporate this system in our present Bill. I would, therefore, on behalf of Government, oppose both the amendments of Mr. Ghose, except I think that he has made a strong point in suggesting that payment must be made during the year in which the qualification accrues. This sets a premium on the prompt payment of the taxes and is the principle which has been recognised in other municipal legislation. I would, therefore, ask Mr. Cohen whether he would accept in place of his amendment a phraseology such as the following—which I hope may to some extent meet Mr. Ghose's case. I would in place of the present proviso in the Bill propose that we should insert the following words:—"Provided that such payment has been made during and in respect of the year or any portion of the year last preceding the election." I want to insert the words "any portion of the year." If a person has paid his tax in respect of six months, he will still enjoy the franchise and since the year for the purposes of the main Act means the financial year, the year preceding the election means the 12 months ending 31st March.

Mr. D. J. COHEN: I accept.

Babu SURENDRA NATH MALLIK: Before I go into the merits of the question, I have got a very serious charge to lay at the door of the Government. With the greatest respect to the Hon'ble the Minister, I do not see what the Corporation commissioners have done or what the Corporation have done to deserve this treatment which they have received from him. There was a Select Committee over this Bill. The Select Committee decided that it should be 30th September. To-day I find the Hon'ble the Minister making a statement that Government have changed their views and that they are going to change it to 31st of March without the slightest notice to us or even caring to consult us in the matter at all. I say that it is most unfortunate and we have done nothing to deserve this treatment. Of all persons, we, the Corporation of Calcutta, are interested in this Bill more than anybody else. We are interested even more than the Government. On this question, the interest of Government is the saving of a few rupees in connection with the political electoral roll and nothing more. If we, the Corporation of Calcutta, want that our year should end on 30th September or that it should be the year which should give the franchise and all that, I do not see any reason whatsoever why the Government should interfere in a matter like that. It is purely a domestic matter with us and I find Government standing up and opposing the Select Committee and accepting something, perhaps, polishing my friend Mr. Cohen's amendment. Surely this is very objectionable——

The Hon'ble Sir SURENDRA NATH BANERJEA: May I rise to offer a personal explanation which I think would be appropriate at this stage?

Mr. PRESIDENT: Yes, please.

The Hon'ble Sir SURENDRA NATH BANERJEA: My friend is surprised at the action of the Government in this connection. My friend will, I am sure, be the first to concede that Government has the right to change its opinion in the light of facts which might be brought to its notice. Government would be obtuse and would not command respect, if it did not keep an open mind having regard to new facts which might be placed within its cognizance. We inquired into this matter very carefully and found that the administrative conveniences were very great and also there were financial considerations in favour of fixing the last date of the qualifying year on the 31st March. It is perfectly true that we fixed the 30th September as the last date, but then the financial aspect of the question and other considerations relating to public and administrative conveniences were not brought to our notice. We realized them later on and then we thought that under the circumstances it was clearly our duty to modify the opinion expressed by the Select Committee. My friend makes a complaint that we did not consult him.

Babu SURENDRA NATH MALLIK: Not me, but the Corporation.

The Hon'ble Sir SURENDRA NATH BANERJEA: You said "Select Committee."

Babu SURENDRA NATH MALLIK: I did not say so.

Mr. PRESIDENT: He said, that Government did not consult the Corporation.

The Hon'ble Sir SURENDRA NATH BANERJEA: Was it necessary for us to consult the Corporation having made up our mind in the light of the facts which were presented to us and presented to us from the point of view of the Corporation? Those facts were before the Corporation. If in the light of those facts the Corporation chose to take a view different from our own, what was the good of consulting them? The facts upon which we changed our mind were facts which were fully known to the Corporation and it was no good consulting the Corporation when the premises before us and before the Corporation were the same.

It is clear, therefore, that the indictment made against the Government is undeserved. Government kept an open mind and in view of the facts which had been brought to its notice, Government was fully entitled to modify its views. I hope, therefore, that my friend—I will not ask him to withdraw those allegations—at any rate will come to the conclusion that those allegations are undeserved and unfounded after the

explanation I have given. My point is this, is it or is it not desirable from the point of view of administrative convenience that the 31st of March should be fixed——

Babu SURENDRA NATH MALLIK: Is this not a speech?

Mr. PRESIDENT: I thought, Mr. Mallik, that you had finished.

Babu SURENDRA NATH MALLIK: No, I had only just commenced.

Mr. PRESIDENT: I have been hearing a great deal about the substitution of 31st of March for 30th of September, but in the form of words sent up to me, I only see "any portion of the year last preceding the elections."

Babu SURENDRA NATH MALLLIK: The year being the official year, it ends on the 31st of March.

The Hon'ble Sir SURENDRA NATH BANERJEA: I was just going to say that Government is responsible for legislation and not the Corporation. We have shown the greatest possible deference to the views of the Corporation, but we cannot divest ourselves of the responsibility that we owe to this House. All legislation must be initiated by us and responsibility in regard to all legislation must rest with us; we cannot divest ourselves of it. In this matter the Corporation's difference of opinion from that of Government may be regarded as a piece of misfortune, but it was, perhaps, inevitable. Having regard to our responsibility we did what we thought best. Again, I repeat, that from the point of view of administrative convenience and having regard to financial considerations we are fully justified in changing our mind and in deciding that the last day of the qualifying year should be the 31st of March and not 30th of September.

Babu SURENDRA NATH MALLIK: I had no idea that the Minister would make a speech!

The **Hon'ble Sir SURENDRA NATH BANERJEA:** It was in the nature of a personal explanation.

Mr. PRESIDENT: It has been rather lengthy for a personal explanation, Sir Surendra Nath.

Babu SURENDRA NATH MALLIK: Naturally as the person is very big the explanation must be very big, though it satisfied nobody. What facts had you? What facts were placed before you which it was impossible for you to send down to the Corporation and ask their opinion on them? All the facts that were before you were also before the Select Committee. What new inspiration have you received except that you were told by somebody that it was impossible for some person to make the

electoral roll? I am not prepared to accept it. If it has been said by any officer of the Corporation executive that it is impossible to make the electoral rolls after the 31st March, I do not subscribe to that view. Whether it was the view of the Chairman or the Deputy Chairman, whoever the officer that might be, he has got to go if the commissioners wish that the date should be fixed on the 30th September and the officer concerned cannot undertake to do that. That is the natural thing. There is no other way of looking at it.

I now come to the question at issue. It is very unfortunate that a matter like this has been brought before the House, because it is precisely a matter for the Select Committee; a matter like this should be considered in the Select Committee and it should not come back to the House in this fashion. My friend, Mr. D. C. Ghose, has brought this about. So far as amendment No. 8 of Mr. D. C. Ghose is concerned I think there is considerable sense in that and I accept a portion of it, though the thing as a whole is not satisfactory. In view of the very large number of persons, who during the first period of the year, viz., April to September, cannot be enfranchised after the 31st March, I think this cannot be accepted. It is, therefore, highly reasonable that the following should be inserted:—"Provided that such payment be made during and in respect of the twelve months or part of the twelve months ending on the 30th September." So far as Mr. Goode's view is concerned I am afraid much of it is based on pure misapprehension. The present Act is referred to. What is in the present Act? Is it 31st March? Does it stand alone? It is controlled by Schedule IV which says that a person shall not be entitled to be enrolled in the municipal election roll as qualified to vote under any subclause or clause of section 37, unless he has paid in his own name before the 1st December immediately preceding the election all instalments of the consolidated rate and other municipal taxes due from him for the first two quarters of the financial year commencing from 1st April in which the election is held. It is quite true that unless a man paid all the taxes due from him for the first two quarters of 1924 at the end of which an election is to be held apart from the fact that the rolls are published for the 31st March, he cannot be entitled to vote. Why should there be nothing like this I do not know. That is what the Corporation wanted. Only because it has been said that the rolls cannot be made, I do not accept that proposition at all. The commissioners desire that the rolls should be as much up to date as possible. They are prepared to spend money for this. It is their buisness; why should you object? The only objection is that you are going to make a Council roll and if you make the two together it will mean so much less expense to Government. That is not the essence of the matter. It is left to us either to take it or to refuse it. The commissioners of the Corporation who represent the ratepayers desire that it should be up to the 30th September. Is there any intrinsic reason to show why it should be 31st March? That is an idea which I cannot possibly accept. There is no justification for any idea

like that. Mr. Goode has said nothing as to what would happen to men whose franchise will mature in these six months. A man living here may go to some other place, would he come to apply for his franchise from his new place? I must confess I am entitled to know more than Mr. Goode in this matter because I am a man who belongs to the community which has got to exercise its franchise. I am at Bhowanipore in March or before March, then I go to Shambazar; if I care for my franchise I am to vote at Bhowanipore for the previous quarter.

Mr. S. W. GOODE: You can vote as well in Shambazar.

Babu SURENDRA NATH MALLIK: Excuse me, I cannot accept that. I can only vote for some premises which I occupied. My name will appear at 2, Chandra Nath Chatterji's Street, if at all. I ask you, is it likely that a man who has left that place six months ago would care to come down to vote or even to apply for his franchise in Shambazar? In Calcutta people do change houses very frequently.

Mr. S. W. GOODE: I rise to a point of order on a personal explanation. I still adhere to my statement that even in the case which Mr. Mallik has instanced he will still vote in Shambazar althought the qualications appear in Bhowanipore.

Babu SURENDRA NATH MALLIK: I do not accept Mr. Goode's view at all. If this practice is to be allowed it will be a misfortune—a great misfortune. I find that having paid rent at Bhowanipore if I go to Shambazar I am allowed to vote for Shambazar, where I may not possibly care to exercise the franchise at all. Is it at all likely that people will take any interest in an election like this? The only possible way of exercising our franchise actually is to vote for a candidate who stands for election from the locality in which I hold the vote. I think any other thing is not likely to create interest, whatever might be the machinery and whatever the mode of working. What is the reason for fixing 31st March as the last date? I think the only reason is that with the preparation of the political electoral roll you can make the two together and save expense. First of all it cannot be done on one basis of qualification. Your basis of qualification for Council election is Rs. 25 and the Corporation's is Rs. 12. Something more has got to be done over and above that. There is an apprehension in the mind of Government, as is apparent from Mr. Goode's view, that if we are called upon to prepare the electoral roll on behalf of Government at any other time we will not do it properly. That is the Government way of looking at it. Is that something for which the recommendation of the Corporation on this behalf has got to be washed away? Is there any reason to show? What facts are there? Nothing at all. I, therefore, think that so far as amendment No. 8 of Mr. Ghose is concerned it might be accepted, because it enfranchises people between 31st March and the 30th September. That serves our purpose very well

and so far as Mr. Cohen's amendment which Mr. Goode supports is concerned I think it should be rejected along with amendment No. 7 of Mr. Ghose.

Mr. D. C. CHOSE: May I speak on Mr. Cohen's amendment, Sir? This is different from mine.

Mr. PRESIDENT: Yes, Mr. Ghose.

Mr. D. C. CHOSE: If my hon'ble friend, the Minister for Local Self-Government, will forgive me, I will venture to say that never have I witnessed an occasion except this when his marvellous and compelling eloquence has failed to convince those who have the privilege of hearing him. What are the facts? The Corporation of Calcutta made certain recommendations with regard to this matter. They made the same recommendations twice, once in connection with the original Bill and subsequently in connection with the Bill which we are considering at present, and on both these occasions they suggested that the period should be taken to end with the 30th September preceding the election. When their recommendation came for the second time before the Select Committee which considered the Bill, the Hon'ble the Minister lent his powerful support to that recommendation, and, if I remember aright, he did so on democratic grounds. The recommendation that the date should be 30th September was unanimously accepted by the Select Committee. The Hon'ble the Minister now tells us that new facts have been subsequently brought to his notice which have made him change his mind. Well, Sir, if that be so, is it not right that the new facts should be placed before the Corporation? The Corporation have a right to know what those new facts are. They should be told what these new facts are and invited to express their opinion on those new facts—new facts which are going to change the mind of the Government! I submit, Sir, that the Corporation have a legitimate grievance in this matter, and, as a member of the Corporation I should be failing in my duty, if I did not enter an emphatic caveat against the manner in which the Government have thought fit to deal with this matter.

Mr. Goode has said that I am wrong in thinking that if the year ending 31st March were accepted, flat-owners and owners of *bustee* huts would be disenfranchised. I declare that I still adhere to my opinion, and my grounds are these. It is perfectly true that occupiers of flats who would be in occupation of those flats before 31st March would be entitled to come into the Voters' List, but take the men who would occupy the flats, say, from March to September, or the men who would be owners of huts in *bustees* during that period. If my proposal were accepted, viz., if the date or the outer limit of the qualifying period of payment were fixed as 30th September, then by paying rent for 6 consecutive months from March to September, or by reason of being owner of a hut in a

bustee for the same period, a man would be entitled to apply to the Executive Officer to come into the Voters' List. But if you keep the 31st March as the date, then you practically take away with one hand what you are giving with the other, and will be disenfranchising a large number of people. I will not repeat the grounds that I have already stated in support of my own proposal, and will conclude by saying that I hope that my proposal will be carried.

Rai Dr. HARIDHAN DUTT Bahadur: I am rather surprised to hear the speech that has been made by Mr. Surendra Nath Mallik, and the indignant attitude which he has taken against that of Government. I may at once tell you that I am also extremely surprised to find the change that has occurred in him during the last few days. I am sorry Mr. Mallik is not here but I must go on. I have in my hand a printed paper with a note by Mr. Mallik, the Chairman of the Calcutta Corporation. This paper was placed before the committee which sat on the Municipal Bill, of which I was a member. In one portion of this note, sub-heading No. 9, the following lines occur:— "If only a few days are given for the preparation of the draft roll, as will be the case if the year ending 30th September is taken, it will be impossible to bring in or include all those who are entitled to the franchise. It will not be possible to include occupiers and hut owners who come under clauses (*b*) and (*c*) of section 20 of the new Act within the very short time that will be allowed for the preparation of the draft roll." This is signed by Mr. S. N. Mallik. (Laughter.) Now my friend, Mr. Mallik, says that he is of opinion that if this is done it will disenfranchise a large number of people and it will not meet the requirements of the Corporation. Now, Sir, which of these two views are we to take seriously? The view which he has expressed in the note or the one which he has just expressed in this Council? I again express my regret that he is not here. Then, again, in the printed minutes of the proceedings of a meeting of the Corporation Committee in which I was present and Mr. Mallik presided as Chairman, it is stated that Mr. Kaitan moved that the year ending 30th September preceding the election be adopted as the qualifying year. Three members voted in favour of Mr. Khaitan's motion and four members (including the Chairman) expressed themselves in favour of adopting the year ending 31st March as the qualifying year instead of 30th September, and then it was resolved that the committee recommend that the year ending 31st March preceding the elections be adopted as the qualifying year instead of 30th September. Mr. Mallik has certainly changed his opinion since then. All this happened in the committee meeting of the Corporation only a few days ago. Mr. D. C. Ghose now comes here and enters a strong protest on behalf of the Corporation. Might I ask him, why the recommendation of the committee arrived at after long and deliberate

consultation with the Deputy Chairman, the Assessor and a host of other officers is being sought to be neglected?

Babu DEBI PROSAD KHAITAN: What was the decision of the Corporation.

Rai Dr. HARIDHAN DUTT Bahadur: Unfortunately, owing to illness I was not present at the meeting of the Corporation when this point came for consideration. I have heard that the recommendation of the committee was altogether done away with and the Corporation came to a different finding on this question. I do not suggest that the Corporation had no right to do so. Certainly it could do anything with the recommendations of the committee, but to come here and say that, because the Corporation at the fag-end of the meeting did not accept the recommendations of the committee, nobody had any right to over-ride the Corporation resolution is going too far. In my speech I do not like to take up your time by going into the merits of the question. I, for myself, would vote in favour of 31st March. Mr. Khaitan argued that this would disenfranchise a lot of people, but may I ask Mr. Khaitan and Mr. D. C. Ghose why in extending the time they stop at 30th of September? Why not fix the 30th of October? That may bring in a larger number of people to be voters. If you want to extend the franchise why not do that? Why not wait till the last day of the publication of the electoral roll? The Deputy Chairman again and again pointed out to us and impressed upon us the fact that if a correct list was to be prepared, his department must have adequate amount of time, and he had to undertake a great deal of work in his office for the preparation of the list. Such emphatic statement from such an important and responsible officer should be respected.

Babu AMULYA DHONE ADDY: I beg to support the amendment of Mr. Cohen. Dr. Dutt has found fault with Mr. Mallik. I do not find fault with him. Whatever his personal views may be, I think, it is one of his primary duties to represent the views of the Corporation of Calcutta. The Corporation of Calcutta has undoubtedly expressed its opinion that the qualifying period should end with the 30th September, but Dr. Dutt has rightly pointed out to us that that meeting of the Corporation was thinly attended and 9 out of the 17 commissioners who were present voted for and 8 voted against it. Mr. Mallik, as it appears from his note, dated the 14th July, which was placed before the Corporation, expressed the opinion that the period should end not on the 30th September but on the 31st March. As it appears from paragraph 12 of his statement " the advantages to be gained by postponing the qualifying period till the 30th September of the year of election are not commensurate with the expenditure

involved and the disadvantages are so great that they will hardly compensate for the advantages to be gained. As a matter of fact the percentage of omission of new names in the electoral roll, if the year ending 31st March is taken as the qualifying year, will probably not be very large." So having regard to this private opinion of Mr. Mallik I think we would be justified in accepting the amendment of Mr. Cohen. The Deputy Chairman who is responsible for the preparation of electoral rolls is strongly of opinion that the period should end on the 31st March. As it appears from the note which was placed before the committee he is reported to have said " having regard to all these difficulties, the simplest and to my mind the only course is to take the year ending 31st March preceding the year of elections as the year, payment of rates or taxes in respect of which will qualify a person to be an elector. The preparation of the electoral rolls will then be simplified, otherwise there is risk of the work not being finished in due time, at any rate on this occasion." I may be allowed to say I have quoted the opinion of the Deputy Chairman because the duty of preparation of the electoral rolls has been delegated to him by the Chairman and he is responsible for the preparation of the electoral rolls. I think his suggestion should be accepted by the Council. He has said and I am also of the same opinion that it would be impossible for him to prepare a correct and complete electoral roll if the period does not end on the 31st March because we have lowered the franchise from Rs. 24 to Rs. 12, we have extended the franchise to women, we have extended the franchise to hut-owners as well as to tenants who pay Rs. 25 per month as rent. So the number of electors will not be less than three times the present number; and under section 20 the hut-owners and the tenants I have referred to would not be entitled to vote unless and until they apply for the registration of their names and unless and until their applications are inquired into and heard by the officer in charge. It will take certainly not less than 2 months. Therefore, it is practically impossible for the Deputy Chairman to complete the electoral rolls unless his suggestion is accepted. Mr. Goode is of opinion that the amendment of Mr. Cohen should be accepted. He was the Deputy Chairman and Chairman of the Corporation for a long time; he knows how to prepare the electoral rolls and his opinion deserves special consideration in our hands.

[At this stage the Hon'ble the President left the Chair which was taken by Mr. Deputy-President.]

Babu DEBI PROSAD KHAITAN: Of all the surprises that have been flung upon this House the greatest is the change in the attitude of Government on this question that we have seen to-day. When the original Bill came before this House on the recommendation of the Corporation, Government accepted the suggestion that the qualifying

year should end on 30th September and not on 31st March. This acceptance by the Government came rather regretfully to certain sitting commissioners. The reason why certain sitting commissioners of the Corporation were crying for 31st March instead of the 30th September was not the difficulty of preparing the electoral roll, but the desire on their part to make the roll continue with the same names as much as possible as elected them in the last election. If, instead of 30th September, 31st March is fixed as the last date of the qualifying year, everybody knows perfectly well what difficulties there will be in getting people to bring forward their claims, because a person who happened to live in Shambazar on the 31st March may have subsequently shifted to Bhowanipore and may not certainly be available to forward his claim to be included in the electoral roll for that year. Rai Dr. Haridhan Dutt Bahadur has followed the example of the English attorney who having a bad case gave instructions to his Counsel to abuse the attorney on the other side. That is only what he has done in this case. Mr. Dutt has stated that he was present at a meeting of the Special Committee of the Corporation at which Mr. Mallik, the Chairman of the meeting, voted in favour of the year ending 31st March. With all the esteem that I have for Dr. Dutt, he should not have been guilty of *suppressio veri* in not having told us that the Chairman in voting for 31st March expressly pointed out that although his personal views were in favour of 30th September he was simply voting as the Chairman as the head of his office and voted for 31st March, because the Deputy Chairman wanted 31st March for his purpose. These things are not recorded but are certainly not unknown to the Rai Bahadur. My friend knows perfectly well that he should not screen himself behind the records. The history of the agitation began with a note by the Deputy Chairman who stated that it would be very difficult to prepare the electoral roll if the 30th September were accepted as the last date. Before that everybody accepted the position that the 30th September should be the last date. At a meeting of the Special Committee not only the Deputy Chairman but also the Assessor of the Corporation were present, and the Assessor was of opinion that it was quite feasible to prepare the electoral roll if the qualifying year ended on the 30th September, and not 31st March. Much has been made of the fact that the Corporation was very sparsely attended on the date when the matter was considered. My esteemed friends Mr. Cohen, Dr. Haridhan Dutt and Mr. Addy should be thankful that the Corporation was thinly attended, because if it had been fully attended, I am sure this proposition would have been carried not by a majority of one, but at least by a majority of a score, and these arguments now put forward would not have been put forward at all. Now consider the difficulties of the electors and the new candidates who come forward for election to the Corporation if the date be fixed as the 31st March, and not 30th September. I would appeal to my European friends in

this House to consider the situation. European gentlemen as well as Indians change their residence from place to place in a city like Calcutta. If the 31st March be accepted as the date, it is not possible for intending candidates to go to the person who was occupying a particular house on the 30th September. The candidate cannot go to his constituency till some time after the 31st March, and therefore, unless the intending candidate can go to his constituency and get the claimants to put forward their claims, it will not be possible for people who live in a house after the 31st March, but who lived in another before the 30th September, to put forward their claims. It is no use saying that it is not the candidate's business to have these claims put forward. We must face facts as they stand; we must face the situation that it is not the electors who will come forward voluntarily and put forward their claims; but the fact remains that it is the candidate's business to approach the voters and get them to send in their claims, as also to record their votes. If we face these facts, whatever the law may be, it is a stern and hard fact that we must appreciate the situation that if we accept the 31st March instead of the 30th September, a new person who wants to go into the Corporation will be placed at the greatest disadvantage in comparison with the sitting commissioner.

Dr. Haridhan Dutt has put forward the argument that if you accept the 30th September, why not accept the 30th October or the 31st October. He knows perfectly well that bills are prepared in the Corporation for every quarter, and if the date fixed as 30th September has got to be accepted, it cannot be any date between the 30th September and the 31st December. The 31st December is admitted by everybody to be too late a date to prepare the electoral roll, and therefore to make the electoral roll as recent as possible, as up-to-date as possible, and as full as possible, the latest date that can be accepted is the 30th September, and that is the reason why the Corporation, not once but twice, has recommended to the Government that the 30th September should be retained as the last date for the qualifying year. We are in days of progress, we hope to advance to a time when the franchise will be conferred upon every adult. We should progress to that end. Let the franchise be exercised by as many as possible, and set our face against any attempt that may be made to stay our progress. Large numbers of electors really cannot exercise their right of vote simply because in the interests of some sitting commissioners it will be found possible that this list should be prepared as late and unchanged as possible. In these circumstances I hope the House will not accept the amendment put forward by Mr. Cohen, and will stick to their earlier decision that the 30th September should be the last date.

What does it concern my friends Dr. Haridhan Dutt or Mr. Cohen if it is found impossible to prepare a general electoral roll if the 30th

September is fixed as the last date? The Chairman, supported by his subordinate officers, will be entrusted with the duty of preparing the electoral roll; if he comes forward and says it is quite possible and practicable to prepare the electoral roll on the 31st September, how does it concern my friends Dr. Dutt and Mr. Cohen, what has induced them to come forward and say that it will be impossible to prepare the electoral roll? My friend Mr. Addy says that Mr. Goode, who was the Deputy Chairman and the Chairman of the Corporation for some years knows the inside working of that institution; he is talking of the past, I stand on the present, and I say, with the authority of the present Chairman of the Corporation, with the knowledge and energy that he has got, it is quite possible to prepare the electoral roll within the 30th September instead of the 31st March. It is a credit to the Corporation; and I see no reason why Mr. Addy should have thought fit to advance the argument that because a certain gentleman who was an officer of the Corporation about 8 years ago, who had the honour of working in the Corporation for 8 or 9 years, with his knowledge of the past time, comes forward and says it might not be easy and practicable to prepare the electoral roll; I do not see why we should adopt his argument in support of the proposition for which he is standing, if there is any real strength in that proposition. I hope Mr. Addy has even now changed his mind, and will allow the franchise to be exercised by as many people as possible, in order that we may make progress.

Mr. KRISHNA CHANDRA RAY CHAUDHURI: I move that the question be now put.

The motion was not accepted.

The Hon'ble Sir SURENDRA NATH BANERJEA: There has been, I am afraid, very unnecessary heat in connection with this debate, and it seems to me that everybody has been more or less inconsistent, but it is Government alone that has been accused of inconsistency. Take the Chairman, Mr. Mallik, for instance. It appears from the report that has just been read out by Dr. Haridhan Dutt, that he was at one time in favour of the 31st March, but that he has changed his opinion and is now in favour of the 30th September; he is quite enthusiastic about it; having changed his mind and become a convert to the new view he is inspired with the zeal of a new convert and a fanatic. And in regard to this matter, I desire to say that the Deputy Chairman and the Chairman hold conflicting views. I had an opportunity of discussing the matter with the Deputy Chairman; and I ask the Council to remember that it is the Deputy Chairman who is responsible for the preparation of the electoral roll and he thinks and told me personally in an interview that I had with him, that it is difficult and almost impracticable to work out a satisfactory electoral roll with the 30th of September as the last day. Whose opinion am I to accept? The opinion of the Chairman who has nothing to do

with the electoral roll or the opinion of the Deputy Chairman whose business it is to prepare the roll? The administrative difficulties are very serious and if we do not meet them, they must impair the value of the electoral roll. If, therefore, the Deputy Chairman who is responsible for the preparation of the electoral roll is of opinion that the 30th September is an impossible and impracticable date, am I not bound to accept that view having regard to the difficulties of the situation? If, under these difficulties the electoral roll is prepared, with the 30th September as the last date, it would be unsatisfactory. Therefore for reasons of administrative convenience Government was bound to change its opinion. It is the duty of the Government to consult the Corporation; Government however is responsible for legislation and not the Corporation. Government felt that in the discharge of this responsibility and having regard to the information placed at its disposal, it was their bounden duty to fix the 31st March as the last day. I hope and trust that the House will accept the view and reject the amendment moved to the contrary.

The motions standing in the name of Mr. D. C. Ghose were then put and lost.

The motion standing in the name of Mr. Cohen was then, by leave of the Council, withdrawn.

The following modified amendment moved by Mr. Goode was then put and agreed to:—

" That for the proviso to sub-clause (*a*) (*iii*) of clause 8, the following be substituted:—

' Provided that such payment has been made during and in respect of the year (or any portion of the year) last preceding the year in which the election is held.' "

Mr. D. J. COHEN: I move that in clause 8(*b*), lines 9 and 10, for the words and figures " the twelve months ending the 30th September immediately " the words " the year last " be substituted.

I also move that in clause 8(*b*), line 13, for the words " twelve months " the word " year " be substituted.

These amendments are consequential to amendment No. 9.

Mr. S. W. GOODE: With your permission I should like to modify the amendments in the following form. We accept the principle of the amendments:—

" That in clause 8(*b*), lines 9 and 10, for the words and figures ' the twelve months ending the 30th September immediately preceding the election ' the words ' the year last preceding the year in which the election is held ' be substituted."

" That in clause 8(*b*), line 13, for the word ' twelve months ' the word ' year ' be substituted."

Mr. D. J. COHEN: I accept the amendment of Mr. Goode.

Mr. O. C. GHOSE: I move that in clause 8(*b*) at the end of the proposed sub-clause (*b*) the following proviso be added, namely:—

"Provided that the application to the Executive Officer shall be made not later than the 30th September immediately preceding the election or such other date as the Executive Officer may notify in this behalf."

May I have your permission to move item 15 also, along with this, Sir?

Mr. DEPUTY-PRESIDENT (Babu Surendra Nath Ray): Yes, you may.

Mr. D. C. GHOSE: I move that in clause 8(*c*) at the end of the proposed sub-clause (*c*) the following proviso be added, namely:—

"Provided that the application to the Executive Officer shall be made not later than the 30th September immediately preceding the election or such other date as the Executive Officer may notify in this behalf."

I understand that Government is going to accept this, so I shall not detain the Council by making a speech.

Mr. S. W. GOODE: Government accept Mr. Cohen's and Mr. Ghose's amendments with slight verbal changes as follows:—

In clause 8(*b*)—

(*a*) in the proposed sub-clause (*b*)—

(*i*) in lines 9 and 10, for the words "the twelve months ending the 30th September immediately preceding the election" the words "the year last preceding the year in which the election is held"; and

(*ii*) in line 13, for the words "twelve months" the word "year" be substituted; and

(*b*) at the end of the proposed sub-clause (*b*) the following be added, namely:—

"Provided that the application to the Executive Officer shall be made not later than the 30th September immediately preceding the election or such other date as the Executive Officer may notify in this behalf; or"

Babu DEBI PROSAD KHAITAN: I rise to oppose the amendments. I am again surprised that Government has accepted these amendments, and that Mr. Ghose has thought fit to move them at all. What will be the

result? Let the result here be what it likes, but it will have a very injurious result so far as the preparation of the final electoral roll is concerned. What will happen is this: if these amendments are accepted, all claims must be filed before the 30th September. Ordinarily the preliminary roll is not published before the 1st of November, and then time is allowed to persons whose names are not included in the preliminary roll to come forward and have their names registered and that is just the reason why time is allowed for the filing of claims and objections, and subsequently for the hearing of these. If these amendments are accepted, people must shoot their arrows in the dark, and come forward with their claims before the preliminary roll is published. Is this the attitude Government is going to take up? Is this what the Government is going to expect not only of the voters but also of the candidates? I am sure Government should consider the effect of this on the elections and the preparation of the preliminary and final rolls. What is the good if application is to be made before the 30th September? What is the advantage of the publication of the preliminary roll? What is the advantage of the publication of the final roll? What is the advantage of allowing time for the hearing of claims and objections, and what will be the effect of the hearing of claims and objections? These are the very grounds on which this House has, a minute ago, accepted that the qualifying year should end on the 31st March and not on 30th September, because if the 30th September be accepted as the date, sufficient time has not been allowed for the publication of the preliminary roll, and subsequently for the filing of claims and objections, and for the hearing of them. If the Government is going to stick to this attitude, I hope it will give further consideration to this before deciding finally to accept these amendments.

Mr. S. W. GOODE: Mr. Khaitan has suggested that by virtue of these amendments the procedure governing the submission and the hearing of applications under the ordinary election rules will be made null and avoid. I submit that this is not the case. These amendments relate to applications definitely referred to in sections 20 (*b*) and (*c*), and these must be made within the 30th September, but they will not affect the elaborate procedure governing the preparation of the roll which is prescribed by rule. I think the objection is not well taken.

Secondly, Mr. Khaitan has charged us with inconsistency so far as we at one time objected to the qualifying year ending on the 30th September because it will throw too heavy a strain on the administrative machinery of the Corporation. Now he says we are leaving open till the 30th September, the opportunity of filing objections to any person who wishes to make one. In the first place I would point out that these objections are limited to occupiers of premises and owners of *bustee* huts under section 20 (*b*) and (*c*). The Deputy Chairman will be, to some extent, relieved of the task of preparing the main volume of the electoral roll which he may have begun if he likes on the 1st January

of the year preceding be election. He will, therefore, be left with several months in hand to deal with applications under sub-clauses (*b*) and (*c*). In these circumstances there is no inconsistency in our attitude and I would support the amendments put forward by Mr. Ghose.

Babu DEBI PROSAD KHAITAN: May I be permitted to say a few words?

Mr. DEPUTY-PRESIDENT: If it be by way of personal explanation, you may.

Babu DEBI PROSAD KHAITAN: I wish to say that Mr. Goode——

Mr. DEPUTY-PRESIDENT: I cannot allow that.

Mr. D. J. COHEN: If this is accepted, may I ask Mr. Goode whether in accepting the 31st of March, it means that 3 months' time will be given to people to apply to the authorities?

Mr. S. W. GOODE: It means that the main body of the electors will be automatically, so to speak, entered in the rolls of the Corporation, their qualifications being ascertained by the election staff without applications being filed but anyone else who is the owner of a *bustee* hut or a tenant under sub-clause (*b*) must make an application to have his name entered in the roll, and he has until the 30th September to make it.

The motions standing in the name of Mr. D. J. Cohen were then by leave of the Council, withdrawn.

The motions standing in the name of Mr. D. C. Ghose were then, by leave of the Council, withdrawn.

The modified amendments moved by Mr. Goode were then put and agreed to.

Mr. D. J. COHEN: I move the following amendments:—

"That in clause 8(*c*), lines 4 and 5, for the words and figures 'the twelve months ending the 30th September' the words 'the year last' be substituted."

"That in clause 8(*c*), line 14, for the words 'twelve months' the word 'year' be substituted.

Mr. S. W. GOODE: Government accept Mr. Cohen's proposal but would suggest a different phraseology for the amendments urged. I would suggest that in clause 8(*c*), lines 4 to 6, for the words and figures "the twelve months ending the 30th September preceding the election" the words "the year last preceding the year in which the election is held" be substituted, and that in clause 8(*c*), line 14, for the words "twelve months" the word "year" be substituted.

Also that at the end of the proposed sub-clause (c) the following be added, namely:—

"Provided that the application to the Executive Officer shall be made not later than the 30th September immediately preceding the election or such other date as the Executive Officer may notify in this behalf."

The motion of Mr. D. J. Cohen was then, by leave of the Council, withdrawn.

Mr. Goode's amended motion was then put and agreed to.

Mr. DEPUTY-PRESIDENT: The question is that clause 8, as amended, do stand part of the Bill.

The motion was then put and agreed to.

CLAUSE 9.

Mr. DEPUTY-PRESIDENT: The question is that clause 9 stand part of the Bill.

The motion was then put and agreed to.

Mr. DEPUTY-PRESIDENT: The question is that the preamble stand part of Bill.

The motion was then put and agreed to.

The Hon'ble Sir SURENDRA NATH BANERJEA: I beg to move that the Bill, as amended by the Council, be passed.

The motion was put and agreed to.

[At this stage the Hon'ble the President returned to the Chamber and took the Chair.]

The St. Thomas' School Bill, 1923.

The Hon'ble the MAHARAJADHIRAJA BAHADUR of BURDWAN: I beg to present the Report of the Select Committee on the St. Thomas' School Bill, 1923, and to move that the said report be taken into consideration. There is no need for me to make any speech now. The report is unanimous and I wish to take this opportunity to thank the non-official members for the great assistance they have rendered us as well as to the Governors of the School for their valuable advice.

I now beg to present the Report and to move that it be taken into consideration.

The motion was put and agreed to.

The Hon'ble the MAHARAJADHIRAJA BAHADUR of BURDWAN: I move that the Bill, as amended by the Select Committee, be passed.

Mr. W. L. CAREY: May I ask the indulgence of the Council for a few minutes? I am a Governor of the School for the reconstitution of which this Council is being asked to pass this Bill. This historic institution, the Calcutta Free School, which is a necessary part of the life of this city, and consequently of this province, has been a landmark and of inestimable value now for a great length of years, as is well known to the members of the Council. Institutions of this kind are an essential part of the life of any great community quite apart from their educational value, for the part they play in turning poor and destitute children into healthy and useful citizens, and this particular school has taken its full share in this work.

The times through which we are passing have dealt not too kindly with this institution, as with many others, and a short time ago the Governors found themselves faced with an experience not uncommon to-day with institutions of all kinds, from Governments downwards, of a recurring deficit in the budget and of falling revenue. This Bill remodels the constitution of the school wherever necessary and gives power to the Governors to deal with its properties in a manner which we hope may to some extent enable them to improve the situation. The school has properties in Calcutta which at one time seemed saleable, and may with improving conditions be so again before long and in order to provide a portion of the means for carrying on the school, and if possible for providing an Endowment Fund, power is required to sell these properties and transfer the school to lands elsewhere in or near Calcutta, Kidderpore for instance, for the offer of which we are indebted to the Government of Bengal, when they can be taken up.

I trust the Council will give the assistance required for realising this object by the passing of the Bill.

This, however, is not all I would like to say. I see that there are to be no supplementary grants this year for this or any similar institutions. We are, I suppose, obliged to accept this situation until the Government can show a balanced budget, but a sufficiency of these grants, are for such schools, as also for Indian schools, necessary to enable them in their turn to balance their budget. We have also, in common with other much more mighty institutions, such as Governments, Universities, and so forth, attacked our financial problems by the aid of a Retrenchment Committee and have instituted many stringent cuts. The necessity for this method of dealing with schools, particularly perhaps free schools, is deeply to be regretted, because I think all my honourable fellow-members will agree that the right attitude towards education should be always advance and improvement and not retrenchment and cutting down. I would, therefore, urge the Government and the Council at the earliest possible moment to give us full grants, and to let the question of Education Grants be one for the earliest reconsideration possible, because only so can we assure to the rising generation whether Indians, Europeans, Anglo-Indians the

right form of education, and enough of it, to enable them to make their way in the world as citizens of full worth to the province to which they belong, and so avoid as far as possible the cry of non-employment and distress of which we have heard so much of late.

I would beg to support the request to the Council to accept and pass the Bill as laid before them by the Hon'ble the Member.

The motion was then put and agreed to.

The Bengal Municipal Bill, 1923.

The Hon'ble Sir SURENDRA NATH BANERJEA: I ask for leave to introduce the Bengal Municipal Bill. In so doing I have to repeat a complaint which I made on another occasion in connection with the Calcutta Municipal Act. As in the case of the Calcutta Municipal Act, so in regard to the Bengal Municipal Act, its revision has been long overdue. This Act was placed on the Statute Book so far back as the year 1884. In other words 40 years have elapsed since the enactment of the Bengal Municipal Act and in the meantime vast and stupendous changes have taken place in our local conditions, in our sanitary ideals and in our general outlook in regard to public affairs. As my friend to my left informs me, our standard of life has also risen, but the Bengal Municipal Act occupies the same ground as it did 40 years ago. We have done little or nothing to improve it. The Bill which I have the honour to introduce is a progressive but not a revolutionary measure. We build upon the old foundations and we broaden and improve them. The Bill may be divided into two parts—constitutional and administrative. We make a distinct advance upon the constitutional as well as on the administrative side. There are two schedules attached to the Bengal Municipal Act with which we are all familiar. In my younger days I used to call them Black Lists. Schedule No. 1 contains the names of municipalities supposed to be backward in which all the commissioners are nominated. Schedule No. 2 contains the names of municipalities of which the chairmen are nominated. We propose to abolish these lists; in other words we propose to extend the elective system to all municipalities and allow them to elect their chairmen and their commissioners, subject to one reservation—that in all mill areas the system of nomination shall prevail, provided that where there is a population in the fringe are unconnected with the industries, they would have an electorate of their own to represent them. Nor is it the only advance that we make in the Bill under consideration. The percentage of elected members has been raised in the Bill from two-thirds to three-fourths and in some cases to four-fifths and the names of these municipalities are given in the schedule. In this connection the question of control is important. The policy of the Bill is to relax all internal control and to exercise control from without. That was the underlying principle of Lord Ripon's

famous declaration of May, 1882. That was also the fundamental principle which Lord Morley enunciated in 1909. There must be control exercised by Government because we are conferring very large powers upon these municipalities and we must see to it that these powers are properly and effectively exercised without any abuse of any kind. I ask the Council not to be alarmed at the idea of Government control. Who is to exercise that control? It is to be exercised by the Minister. What is the position of the Minister? He is responsible to the Legislative Council; and, therefore, if you analyse the situation it comes to this—that in the last resort the control is vested in this Council. You will be the controlling authority and your agent will be the Minister in charge. I may add that even in England in the democratic municipalities of Great Britain control of the most drastic kind is exercised by the Local Government Board—more drastic than anything which we have provided in this Bill.

I now come to the question of finance. Here we have abolished the tax on persons. It is a tax which is unfair in its incidence and unsatisfactory in its working, for the simple reason that the personal element comes into prominence in the administration of the tax. We desire to supplement the resources of the municipalities and we have given them power to raise the percentage of rates and taxes and also we have included matters of taxation which formerly were not incorporated in the municipal law—taxes on professions, callings and trades—and we have given them the right to impose other taxes that they may think fit, subject to the sanction of Government. I hope that it would be possible for the municipalities to make very considerable use of these financial powers, and that they will be able in consequence to add to their resources and to justify the enlarged authority which will be placed in their hands.

Then there is the question of assessment and in regard to it I desire to say that the present method of assessment is the weakest part of municipal administration in Bengal. I was for 33 years chairman of a mufassal municipality and I may say that the only part of the work which I did not like, which gave me a pang of conscience, was with regard to the assessments. The assessments are made by the commissioners themselves or by assessors deputed by Government and then objections are heard by a committee consisting of the commissioners. You can understand what the result would be. This state of things prevailed in the Calcutta Corporation. We have remedied that. What we propose to do is to provide in the Bill a panel of assessors, indepedent men, who would be experts, and the revising committee will consist of the Chairman, a commissioner and a representative of the Government. A committee thus constituted might be expected to be more independent than the present Appeal Committees.

I do not think that I should detain you much longer. Very large powers have been entrusted to these municipalities under the Bill—powers for the regulation of water-supply and drainage, for the control of

food-stuffs and milk supplies, for the prevention of infectious diseases, for the registration of births and deaths and for the extension of primary education. I fully realise that these powers will not be extended to all municipalities. Chapters 6 to 9, which contain the most progressive sections, will be extended to the more advanced municipalities with the sanction of Government. But I claim that this Bill will serve as a model to work up to. In this connection I may add that I invited a conference of Chairmen and Vice-Chairmen of several municipalities to consider some of the important provisions of this Bill and they generally blessed the measure. I fully hope that the Bill will be referred to a Select Committee during the early part of the session of the new Council so that the report of the Select Committee may be submitted about this time next year and the Bill passed into law in the cold weather of 1924.

Sir, to this Council belongs the credit of having given to Calcutta a Corporation with democratic ideals and a democratic constitution. I trust that the still higher honour will belong to the next Legislative Council, namely, that it will place, if this Bill becomes the law of the land, our municipal institutions in the mufassal upon a sound and satisfactory basis and upon liberal lines, and make them broad-based upon the will of the people.

With these words I ask for leave to introduce the Bill.

Mr. SYED NASIM ALI: I rise to oppose the introduction of this Bill. I oppose the introduction not because this Bill is based on a democratic basis, not because the elective element will be more than what it is now, but because I find that in that democracy the Muhammadan interest is not at all adequately safeguarded. Sir, I was very much pained when I read the several sections of the Bill and I could not find any provision for safeguarding the interests of the Muhammadans in the municipalities. It is also very curious that though in the Calcutta Corporation a certain number of seats was reserved for Muhammadans—the only dispute was whether it should be by mixed electorate or by separate electorate—in the Bengal Municipal Bill we are at a loss to find out any recognition of the Muhammadan community so far as mufassal municipalities are concerned. Sir, it is also very surprising that the Bill is being introduced in this Council when everybody knows that it cannot be passed into law by this Council, when everybody knows that it will have to be reintroduced, referred to a Select Committee and passed into law by the new Council which will come into existence in 1924. What then is the object of introducing this Bill in the present Council? I wanted to find out as to what was the motive of Government in introducing this Bill at the fag end of the life of this Council. It seems to me that Government wants this Council to commit itself to a certain principle of policy and I protest against it. When the Bill is to be passed by the new Council it ought to be introduced in the new Council after the elections and then it will be for the new Council to decide whether such a Bill is to be passed.

Mr. PRESIDENT: Maulvi Saheb, all these matters will be threshed out in the Select Committee during the second reading. These are all matters of detail. All that is asked now is permission to introduce the Bill.

Babu SURENDRA NATH MALLIK: May I point out that clause 18 does provide for Muhammadan representation?

The Hon'ble Sir SURENDRA NATH BANERJEA: My object in introducing this Bill now is to procure for it a wide circulation, so that it may be before the country for a long time and then when it is referred to the Select Committee, that committee will be in a position to discuss this measure along with the public opinion on it.

Mr. PRESIDENT: You will get your opportunity afterwards, Maulvi Saheb, and you will be able to press all your objections then.

Mr. SYED NASIM ALI: I am fully conscious of the several stages through which the Bill will have to pass and I am also fully conscious of the powers of the new Council to discuss the matter over again. I am fully aware of it but I base my objection to the introduction of the Bill not on the question of details but on the question of a vital principle.

Mr. PRESIDENT: What you are doing now is to oppose the introduction of this Bill. In that case you mean that you do not want any such Bill at all. This is quite a different point of view.

Mr. SYED NASIM ALI: That is exactly my position. So far as the Muhammadan community is concerned the position is absolutely clear and it is this. The Muhammadans do want *Swaraj* but that *Swaraj* in which the Hindus and Muhammadans will have their respective rights and in which the Muhammadan interest as well as the Hindu interest will be adequately safeguarded.

Mr. PRESIDENT: That is a pure matter of detail and it has got nothing to do with the motion to introduce the Bill. Frankly, I do not see the relevancy of your remarks.

Mr. SYED NASIM ALI: My position is this. If in any particular Bill or measure I find that the principle of communal representation is not accepted or recognised, I will oppose the introduction of such a Bill. That is my point, and that is the point which I am trying to impress upon the Council, namely, that I will oppose any measure for *Swaraj* until I am fully conscious that that Bill or measure recognises the existence of the Muhammadans as a community in this province.

Babu Indu Bhushan Dutta and Maulvi Yaquinuddin Ahmed rose to continue the debate but the Hon'ble the President ruled that no further speeches could be allowed.

Mr. SYED NASIM ALI: I have not finished, Sir.

Mr. PRESIDENT: But I thought you had finished. You know Maulvi Sahib that all that you are entitled to is a short speech in opposition.

Mr. SYED NASIM ALI: Mr. Mallik has referred to two clauses which provide for Muhammadan representation, but I find that in these two clauses in the Bill the principle of communal representation has not been accepted.

Mr. PRESIDENT: I understand that you press your opposition.

Mr. SYED NASIM ALI: Yes.

The motion was then put and a division taken with the following result:—

AYES.

Banerjea, the Hon'ble Sir Surendra Nath.
Banerjea, Dr. Pramathanath.
Bell, Mr. J. W. A.
Birley, Mr. L.
Bose, Mr. S. M.
Carey, Mr. W. L.
Chaudhuri, Rai Harendranath.
Cooper, Mr Charles C.
Das, Mr. S. R.
De, Mr. K. C.
De, Rai Bahadur Fanindrelal.
Dey, Mr. C. C.
Donald, the Hon'ble Mr. J.
Donovan, Mr. J. T.
Dutt, Rai Bahadur Dr. Haridhan.
Dutta, Babu Annada Charan.
Dutta, Babu Indu Bhushan.
Duval, Mr. H. P.
Emerson, Mr. T.
Faropui, Mr. K. C. M.
Ghose, Rai Bahadur Jogendra Chunder.
Goode, Mr. S. W.
Hornell, Mr. W. W.
Huntingford, Mr. C. T.
Maharajadhiraja Bahadur of Burdwan, the Hon'ble the.
Mallik, Babu Surendra Nath.
Marr, Mr. A.
McAlpin, Mr. M. C.
McCay, Lt.-Col. David.
Mitra, Rai Bahadur Mahendra Chandra
Mitter, the Hon'ble Mr. P. C.
Mukerjee, Mr. S. C.
Mukharji, Babu Satish Chandra.
Mukherji, Professor S. C.
Mukhopadhaya, Babu Sarat Chandra.
Philip, Mr. J. Y.
Raikat, Mr. Prasanna Deb.
Ray, Babu Surendra Nath.
Ray, Kumar Shib Shekhareswar.
Ray Choudhury, Raja Manmatha Nath.
Robertson, Mr. F. W.
Rose, Mr. C. F.
Roy, Mr. Bijoyprosad Singh.
Roy, Mr. J. N.
Roy, Raja Manilall Singh.
Sarkar, Babu Jogesh Chandra.
Sinha, Babu Surendra Narayan.
Skinner, Mr. H. E.
Stephenson, the Hon'ble Mr. H. L.
Stuart-Williams, Mr. S. C.
Suhrawardy, Dr. A.
Travers, Mr. W. L.
Villiers, Mr. F. E. E.

NOES.

Afzal, Nawabzada K. M., Khan Bahadur.
Ahmed, Khan Bahadur Maulvi Waslmuddin.
Ahmed, Maulvi Rafi Uddin.
Ahmed, Maulvi Yakubuddin.
Ahmed, Mr. M.
Ali, Mr. Syed Nasim.
Arhamuddin, Maulvi Khandakar.
Azam, Khan Bahadur Khwaja Mohamad.
Chaudhuri, Khan Bahadur Maulvi Hafizar Rahman.
Chaudhuri, Maulvi Shah Muhammad.
Chowdhury, Maulvi Fazial Karim.
Haq, Shah Syed Emdadul.
Karim, Maulvi Fazial.
Khan, Maulvi Hamid-ud-din.
Khan, Maulvi Md. Rafique Uddin.
Khan, Mr. Razaur Rahman.
Khan Chaudhuri, Khan Bahadur Maulvi Muhammad Ershad Ali.
Salam, Khan Bahadur Maulvi Abdus.

The Ayes being 53 and the Noes 18, the motion was carried.

The Secretary then read the title of the Bill.

The Bengal Tea-Gardens Public Health Bill, 1923.

The Hon'ble Sir SURENDRA NATH BANERJEA: I move for leave to introduce a Bill to provide for the control and sanitation of tea-garden areas in Bengal.

Sir, just a word or two with regard to the object of this Bill. It has been said—suggested at any rate—that there is no occasion for a Bill of this kind having regard to the fact that we have got the district boards and they can deal with matters of sanitation, etc., in the tea-gardens. What we want however is a combined and properly equipped organization to combat diseases in the tea-gardens, and a board such as the one proposed in the Bill is exactly the machinery for work of this kind. The organization will be independent of the district board but will consist of the representatives of the tea-planting interest of the District board, of *jotedars*, and of the Government. The district board will make a contribution not exceeding the sum realised as Public Works Cess in connection with the particular area covered by the operations of the board. In the appointment of the medical officer Government will have a determining voice. We propose to circulate the Bill and I hope it will be passed next year.

The motion was put and agreed to.

The Secretary then read the title of the Bill.

[The Council here adjourned for 15 minutes.]

After the adjournment.

The Bengal Local Self-Government (Amendment) Bill, 1923.

Mr. S. W. GOODE: On behalf of the Hon'ble the Minister, I move to introduce a Bill further to amend the Bengal Local Self-Government Act of 1885.

In the absence of the Hon'ble the Minister I ask leave to introduce this Bill. The members of this House are aware it is merely an emergent measure which deals with the few sections which for sometime past have been considered for amendment. We hope to introduce early next year a consolidating Bill. I need not refer in detail to the proposals which were discussed at the last District Board Conference while portions were published in the Press. I therefore formally move the motion.

The motion was then put and agreed to.

The Secretary then read the title of the Bill.

DEMANDS FOR GRANTS.

Report of Committee on Public Accounts.

The Hon'ble Mr. J. DONALD: The Committee on Public Accounts has presented the Appropriation Report on the Accounts of the Bengal Presidency for the year 1921-22 detailing the expenditure in excess of

the amounts voted by the Legislative Council and they see no objection to these sums being provided by an excess vote. The first report of the Committee on Public Accounts relating to the statement of excesses for the year ending the 31st March, 1922, has been placed in the hands of members. I have nothing to add to that statement and I now move that the sums mentioned in the statement be granted.

The motion was put and agreed to.

5.—Land Revenue.

The Hon'ble the MAHARAJADHIRAJA BAHADUR of BURDWAN: I move that a sum of Rs. 12,654 be granted for expenditure under the head "5.—Land Revenue" in connection with the introduction of a certificate procedure in the Mahishadal Raj Estate.

The reason for this will be found in the Memorandum circulated to all the members of the Legislative Council and I have nothing further to add.

The motion was put and agreed to.

22.—General Administration.

The Hon'ble Mr. H. L. STEPHENSON: I move that a sum of Rs. 46,500 be granted for expenditure under the head "22.—General Administration" in connection with a new metre-gauge bogie saloon carriage for His Excellency.

The Memorandum has already been circulated on the subject. The carriage was finished last year and the amount had been provided in last year's budget. The Railway authorities however did not raise the debit in time to be paid last year and only a sum of Rs. 3,000 was paid. They have raised the debit this year, the money has now got to be found.

Babu SURENDRA NATH MALLIK: I move that the demand for Rs. 46,500 under the head "22.—General Administration—Bogie Saloon Carriage for His Excellency" be reduced by Re. 1."

I beg to draw attention of the Council to a matter in this connection. Why should not the railway people provide this bogie saloon carriage? We should not be called upon to pay for it. I would place before the House the figures showing what amount we have got to pay for the railway police. In 1918-19 we had to pay Rs. 2,64,000, in 1920 Rs. 2,94,000 and then there was some sort of private *bandabast* between the Secretary of State and the railway companies of which we know nothing, and these charges then went up or the Government took up larger responsibilities in that behalf. In the year 1920-21 we

had to pay Rs. 3,50,000, the next year Rs. 4,00,000 and the next year Rs. 4,11,000. If you are going to pay so much to the railway companies for their protection then is it not fair that they should provide for this bogie saloon carriage? In this connection I would draw attention to another fact. The bogie carriage that was in use was built in the year 1878, that is to say, it lasted for 44 years. That means that this one which we are now having is likely to last for another 40 years or so. And I would ask Government whether it is not up to them to ask the railway people to pay for this carriage. In order to draw attention of the Government to this matter I have to put forward this motion.

The Hon'ble Mr. H. L. STEPHENSON: Mr. Mallik contends first that the saloon should not be provided by us and secondly because the railway police are paid by us, the saloon should be provided by the railway. Sir, the railway system gains nothing by the Governor's travelling on the railway. It is the province which gains. Saloons are provided for travelling for certain high officials of Government from the Viceroy downwards, under express orders from the Secretary of State and I know of no order which will enable us to recover the cost from the railway companies concerned. Travelling is done by the head of this province for the benefit of this province and I think it is only just that the province should pay for it.

As regards the cost of the railway police I may say that we do not provide the police for the protection of the railway property. The police are there to carry out our general responsibility for law and order in the province. The protection of railway property is paid for by the railways.

Mr. Mallik's motion was put and lost.

The Hon'ble Mr. H. L. Stephenson's motion was then put and agreed to.

The Hon'ble Mr. H. L. STEPHENSON: I move that a sum of Rs. 2,150 be granted for expenditure under the head "22.—General Administration" in connection with the appointment of a member of the Bengal Civil Service as Collector of Calcutta.

In the Budget it will be found that there is a provision for Rs. 30,000 under non-voted and Rs. 7,800 under voted. The latter has been provided for the Deputy Collector of Calcutta. Up to 1919 the Collector of Calcutta was a member of the Provincial Service. In 1919 different arrangements were made and an officer of the I.C.S. was appointed as Collector of Calcutta on his ordinary salary plus the Calcutta House allowance. After three years' trial it was found that that system was not worth the money it cost. We have, therefore, again gone back to the old system. We have made other arrangements for excise work, the most important duty for which we appointed

an I.C.S. officer, and for the remainder of the work we have gone back to the old system of appointing a provincial officer. The net result in money is that we have saved Rs. 30,000. The salary of the Deputy Collector is already in the budget. We have now one officer instead of two. The only thing that was not in the budget is the allowance of that officer which is Rs. 150 a month in consideration of the extra duties placed upon him as the Collector. The main part of his duties is in connection with stamps and probate court-fees. The revenue derived from stamps in 1921-22 was Rs. 98,34,979 and that from probate court-fees Rs. 12,01,896. I think the House will agree that an officer who is placed in charge of the superintendence of this revenue should have an extra allowance for this extra responsibility and this has been provided here. Before 1919 the pay of the Collector who was a member of the Provincial Service was Rs. 1,000 plus Rs. 150 house allowance, plus conveyance allowance of Rs. 50—Rs. 1,200 in all. The officer who has now been appointed as Collector gets his grade pay of Rs. 700 plus this allowance of Rs. 150 and he gets nothing more. I think the House will agree that this allowance is moderate and necessary.

Dr. PRAMATHANATH BANERJEA: I move that the demand of Rs. 2,150 under the head "22.—General Administration" be refused.

It is explained in the Memorandum that the Secretary of State for India has approved the proposal of the Bengal Government that the appointment of the Collector of Calcutta should cease to be reserved for the I.C.S. and should be held by a member of the Bengal Civil Service. An excellent proposal and an excellent approval. We all welcome the arrangement and naturally expect some saving in expenditure. Our ardour is, however, chilled when we are told that there is to be no saving.

The Hon'ble Mr. H. L. STEPHENSON: I rise to a point of order. There will be a saving of nearly Rs. 30,000 a year. This sum (Rs. 30,000) is non-voted. The provision I ask for is a voted one and that is why the supplementary grant was wanted.

Dr. PRAMATHANATH BANERJEA: If I understand that there is going to be a saving of Rs. 30,000 non-voted, I have no objection to this additional expenditure.

Dr. Banerjea's motion was then, by leave of the Council, withdrawn.

The Hon'ble Mr. H. L. Stephenson's motion was then put and agreed to.

The Hon'ble Mr. H. L. STEPHENSON: I move that a sum of Rs. 50,300 be granted for expenditure under the head "22.—General

Administration " in connection with the introduction of certain changes in the existing arrangements for the control of the Calcutta Collectorate.

As I have explained just now we have made other arrangements for the excise revenue in Calcutta. The whole of the office of the Collector of Calcutta is provided for in the budget under the head of Excise. It is now proposed to transfer from the head of Excise the clerks who are employed in connection with work other than Excise. Therefore, it is only a transfer of the pay of the clerks from the " Excise " head to the head " General Administration."

Babu SURENDRA NATH MALLIK: I put in this motion because I was under the impression that after doing away with the I.C.S. officer we wanted to bring him back to his old place. But after what has fallen from the Hon'ble the Member I would withdraw my motion.

The following motion was then, by leave of the Council, withdrawn:—

" That the demand for Rs. 50,300 under the head ' 22.—General Administration—Calcutta Collectorate ' be reduced by Rs. 50,000."

The Hon'ble Mr. H. L. Stephenson's motion was put and agreed to.

24.—Administration of Justice.

The Hon'ble Sir ABD-UR-RAHIM: I move that a sum of Rs. 15,000 be granted for expenditure under the head " 24.—Administration of Justice " in connection with the introduction of the Bengal Children Act.

As explained in the Memorandum it is a part of the sum of Rs. 20,000 already budgeted for in the Education Department. The Education Department are not likely to be able in the near future to start industrial schools for this purpose. We have, therefore, asked that this sum (Rs. 15,000) should be transferred to our department. We are going to give effect to the Children's Act as far as it is possible at present and for that purpose the amount would be needed.

The motion was put and agreed to.

25.—Jails and Convict Settlements.

MEMBER in charge of DEPARTMENT of REVENUE [JAILS] (the Hon'ble Mr. H. L. Stephenson): I move that a sum of Rs. 40,000 be granted for expenditure under the head " 25.—Jails and Convicts Settlements " on account of purchase of raw materials.

This sum is divided into two parts—Rs. 20,000 is wanted to provide for the packing of our quinine treatments which is done in the Juvenile Jail. Hitherto we have been packing them in glass tubes brought out from home. Now we are trying the experiment of packing them in cardboard boxes. If the experiment proves successful it will cost us half the money it costs at present. The cardboard tubes will be made locally and, therefore, we want to have the money transferred, from the High Commissioner's budget to our own. It will be observed that we have got £3,400 in the High Commissioner's budget and we are asking for Rs. 20,000 for our budget and the balance we hope to be able to save.

The second Rs. 20,000 was an item in the High Commissioner's budget—£2,000—for the purpose of getting cloth out from Home for the making of police uniforms. We can get the cloth cheaper in India, and as a matter of fact we do not want the cloth this year. The police have to some extent made other arrangements for their uniforms and in any case we have a large stock in hand. But we want the money for the purchase of other raw materials in India in order to provide for work in the Midnapore Jail to take the place of the making of police uniforms. What we are asking for now is to allow us to purchase the materials in India with the money which the Council has already provided in the High Commissioner's budget.

Babu SURENDRA NATH MALLIK: I move that the demand for Rs. 40,000 under the head "25.—Jails and Convicts Settlements—Purchase of Raw Materials" be reduced by Re. 1

Sir, my object in bringing forward this motion is to get the information from the Hon'ble the Member whether there is a proper system of check upon these purchases. I have come to know that in a very large Government institution in Calcutta the contractor is the son of the officer who commanded the purchase to the tune of 2 lakhs of rupees. The Audit Department exposed this and they have made a report. I do not know what steps have been taken and whether such things are still going on.

Babu INDU BHUSHAN DUTTA: I support the motion on another ground. I have found from personal experience that the system of having quinine manufactured in the jail has raised complaints from the purchasers. Lately, Government was good enough to send 60 pounds of quinine to my own area of Chandpur and from experience it has been found that it is not so efficacious as quinine purchase from the market. I should like to suggest that the manufacturing of quinine should be transferred to a chemical department organised under the Health Department and not in the Juvenile Jail. It is well known that East Bengal districts are damp and cardboard tubes will not last very long there and they will not protect quinine from being spoiled.

The Hon'ble Mr. H. L. STEPHENSON: With regard to Mr. Surendra Nath Mallik's motion I would merely say that there have been frauds in the supply departments and store departments not only in this department but in other departments as well. It is almost inevitable that such frauds will go on until we have a properly staffed accounts department to keep accounts not as we keep them in our treasury but as business houses keep theirs. I can, however, assure him that Government will do everything in their power to stop these frauds and if Mr. Mallik has any practical suggestions to make we shall be very glad to utilize them.

Babu SURENDRA NATH MALLIK: I wish to draw the Hon'ble Member's attention to the paper in which the whole thing is mentioned, in the hope that he will be pleased to take it up. It was a defalcation involving Rs. 1,40,000.

The Hon'ble Mr. H. L. STEPHENSON: As regards Babu Indu Bhushan Dutta's observation I may tell him that he is under a misapprehension. Quinine is not manufactured in our jails. It is manufactured in our cinchona plantations and all that the jail does is to pack the quinine and distribute it. As regards his other point that cardboard tubes are not suitable for Bengal, tests have been made by the Director of Public Health and by other officers and they all certify that cardboard tubes are, if anything, better than glass tubes both in very hot and in very damp weather. They are, however, unable to say what the effect would be if the quinine is left in the tubes for two or three years, but for short periods they prefer cardboard tubes to glass tubes.

Babu Surendra Nath Mallik's motion was then put and lost.

The Hon'ble Mr. H. L. Stephenson's motion was then put and agreed to.

31.—Education (Transferred).

MINISTER in charge of DEPARTMENT of EDUCATION (the Hon'ble Mr. P. C. MITTER): I move that a sum of Rs. 91,193 be granted for expenditure under the head "31.—Education (Transferred)" on account of the transfer of the control of the Government Commercial Institute, Calcutta, the Government Art School, Calcutta, and the Industrial Zenana Class, Dacca, from the Agriculture and Industries Department to the Education Department.

Practically the whole of this sum has already been voted by this Council. The reason for the supplementary demand is that the grant was provided in the Industries Department budget and since then certain institutions have been transferred to the Education Department.

The following motions were, in the absence of the member, deemed to be withdrawn:—

Rai Dr. HARIDHAN DUTT Bahadur: "That the demand of Rs. 91,193 under the head '31.—Education (Transferred)' be reduced by

Rs. 7,000 from the proposed provision of Rs. 8,000 for the temporary establishment of the Government Commercial Institute."

Rai Dr. HARIDHAN DUTT Bahadur: "That the demand of Rs. 91,193 under the head '31.—Education (Transferred)' be reduced by Rs. 900 from the proposed provision of Rs. 1,000 for travelling allowance in connection with the Government School of Art."

The Hon'ble Mr. P. C. Mitter's motion was then put and agreed to.

46.—Stationery and Printing.

The Hon'ble Mr. J. DONALD: I move that a sum of Rs. 9,000 be granted for expenditure under the head "46.—Stationery and Printing."

This is a small sum and a Memorandum has already been circulated to the members explaining the reasons why this is required.

The motion was put and agreed to.

47.—Miscellaneous.

The Hon'ble Mr. J. DONALD: I move that a sum of Rs. 1,585 be granted for expenditure under the head "47.—Miscellaneous" in connection with the Ayurvedic Committee, Bengal.

This money was granted last year and it is only a renewal of the grant which is asked for this year.

The following motion was, in the absence of the member, deemed to be withdrawn:—

Dr. HASSAN SUHRAWARDY: "That the demand for a sum of Rs. 1,585 under the head '47.—Miscellaneous' in connection with the Ayurvedic Committee be reduced by Rs. 5."

The Hon'ble Mr. J. Donald's motion was then put and agreed to.

The Hon'ble Mr. J. DONALD: I move that a sum of Rs. 600 be granted for expenditure under the head "47.—Miscellaneous" in connection with the Housing and Communication Committee, Calcutta.

This has been explained in the Memorandum. It is for extra expenditure in connection with the Housing and Communication Committee, Calcutta.

The motion was put and agreed to.

The Hon'ble Mr. J. DONALD: I move that a sum of Rs. 43,707 be granted for expenditure under the head "47.—Miscellaneous" in connection with the contribution to the Shillong Pasteur Institute."

This is also explained in a Memorandum and I have nothing further to add.

The following motion was, in the absence of the member, deemed to be withdrawn :—

Raja MANILOLL SINGH ROY: " That the demand of Rs. 43,707 under the head '47.—Miscellaneous—Contribution to the Shillong Pasteur Institute ' be reduced by Rs. 5."

Babu SURENDRA NATH MALLIK: I move that the demand for Rs. 43,707 under the head '47.—Miscellaneous—Contribution to the Shillong Pasteur Institute ' be reduced by Re. 1."

In opposing this grant, I beg to draw attention to the fact that it is high time that we should have a Pasteur Institute in Calcutta for our own province. This system of making these contributions is of very little use. Travelling allowances which are paid by Government to poorer people proceeding to Shillong for treatment is a very large sum. But apart from that, we ought to have an institution of this character in our own province and in Calcutta. We know it costs a lot of money for any person to proceed to Shillong and I may say that there is a gentleman present here to-day who had to go to the Pasteur Institute for treatment which cost him something like Rs. 1,200. This is too much for anybody. It is of course to be considered whether the climatic condition of Calcutta will be suitable for the purpose. On this point information ought to be obtained and we should make a start. We ought to have an institute here for the benefit of our own people, for very few people can take advantage of the Institute at Shillong.

Babu INDU BHUSHAN DUTTA: In supporting the amendment of Babu Surendra Nath Mallik, I would draw the attention of the Hon'ble the Member to an issue of the medical journal in which it is stated that anti-rabic treatment can be carried out in local hospitals. So I should like to suggest to the Hon'ble Member to make inquiries whether this can be made possible, so that no extra money need be granted for this purpose.

Mr. S. W. GOODE: I may mention that as a matter of fact we are now in communication with the Pasteur Institute of Shillong to ascertain whether treatments can be sent to us in Calcutta so as to obviate the need of patients going to Shillong. This sum of Rs. 40,000 has, however, to be paid, as we have already incurred the charge in making use of the Shillong Institute. We hope we may shortly be in a position to report the steps taken in the matter mentioned by Babu Indu Bhushan Dutta.

Babu Surendra Nath Mallik's motion was, by leave of the Council, withdrawn.

The Hon'ble Mr. J. Donald's motion was then put and agreed to.

5.—Land Revenue.

The Hon'ble the MAHARAJADHIRAJA BAHADUR of BURDWAN: I move that a sum of Rs. 5,800 be granted for expenditure under the head "5.—Land Revenue."

It is fully explained on pages 2-3 of the Grey Book and I need not take the time of the Council any longer.

The motion was put and agreed to.

9.—Registration.

MINISTER in charge of DEPARTMENT of EDUCATION [REGISTRATION] (the Hon'ble Mr. P. C. Mitter): I move that a sum of Rs. 8,000 be granted for expenditure under the head "9.—Registration."

This sum is necessary for racks and binding of registers. It has been fully explained on page 6 of the Grey Book.

The motion was put and agreed to.

22.—General Administration.

The Hon'ble Mr. H. L. STEPHENSON: I move that a sum of Rs. 3,200 be granted for expenditure under the head "22.—General Administration."

The reason for this has been fully explained in pages 8 and 9 of the Grey Book. We provided for Rs. 10,000 in the budget for the current year out of the total expenditure of Rs. 13,200 which is an increase in the maintenance grant for furniture in the residences of His Excellency the Governor by 50 per cent. which the Secretary of State has sanctioned.

The motion was put and agreed to.

24.—Administration of Justice.

The Hon'ble Sir ABD-UR-RAHIM: I move that a sum of Rs. 3,535 be granted for expenditure under the head "24.—Administration of Justice."

This sum is required for furniture for the new Court buildings at Bogra, otherwise it is impossible to utilise the new buildings without the required furniture.

The motion was put and agreed to.

31.—Education (excluding European Education).

The Hon'ble Mr. P. C. MITTER: I move that a sum of Rs. 1,03,880 be granted for expenditure under the head " 31.—Education."

The facts are set forth on pages 10, 11 and 12 of the Grey Book. It consists of three items—Rs. 24,000 for colleges at Khulna and Faridpur, Rs. 60,000 for replacing the power plant of the Bengal Engineering College, Sibpur, which is in imminent danger at present, and Rs. 19,880 for the grant to the Indian Society of Oriental Art. It is the usual grant to that society and it was transferred from the Industries Department to the Education Department on the 28th of March last with the result that the Industries Department could not provide for the money and we have to provide for it.

The following motions were, in the absence of the members, deemed to be withdrawn:—

Rai LALIT MOHAN SINGH ROY Bahadur: " That the demand of Rs. 60,000 under the head ' 31.—Education—Scheme 2 ' be refused."

Rai Dr. HARIDHAN DUTT Bahadur: " That the demand of Rs. 19,880 under the head ' 31.—Education—Scheme 3 ' be refused."

Babu SATISH CHANDRA MUKHARJI: I move that the demand of Rs. 19,880 under the head " 31.—Education—Scheme 3 " be reduced by Rs. 1,880."

The object of bringing forward my amendment is that we have been making these grants to these private bodies, but as a matter of fact no audited accounts are submitted by those bodies to Government. Sir, the Hon'ble the Minister for Education himself stated once that he, as the custodian of public money, must keep an account of everything farthing which is spent but the public did not know in what manner these grants to the private bodies are being spent. The object of my amendment is that when grants are made by Government to private bodies, the audited accounts must be submitted by them to Government, and that to be the condition of the grant. We cannot make that condition in the case of a particular body.

The following motion was, in the absence of the member, deemed to be withdrawn:—

Babu AMULYA DHONE ADDY: " That the demand of Rs. 19,880 under the head ' 31.—Education (Transferred)—Scheme 3 ' be reduced by Rs. 1,300."

Kumar SHIB SHEKHARESWAR RAY: An impression is gaining ground that we are rushing through the amendments.

Mr. PRESIDENT: Will you explain, Kumar Sahib, how this is relevant—how are amendments being rushed?

Kumar SHIB SHEKHARESWAR RAY: They are being rushed by themselves, perhaps.

Mr. PRESIDENT: I do not know what you mean by that. If it is so, then I think you have solved the secret of perpetual motion.

Kumar SHIB SHEKHARESWAR RAY: I am glad, Sir, you have taken it in that light because I was not really serious.

I see in the Grey Book that there is a demand in connection with the Sibpur Engineering College for which Rs. 60,000 has been asked.

The Hon'ble Mr. P. C. MITTER: I am afraid the Kumar is under a misapprehension. He is speaking on Rs. 60,000 which was to have been moved by Rai Lalit Mohan Singh Roy Bahadur but it has not been moved.

Mr. PRESIDENT: I cannot stop the Kumar from speaking on that. He is perfectly in order.

Kumar SHIB SHEKHARESWAR RAY: In that demand there is an item of Rs. 5,000—alteration to building. Sir, I do not know what alteration is meant to be done in these buildings. Is it an alteration of the main building or of something else? This ought to have been explained by the Hon'ble the Minister for no body knows whether he refers to Professors' quarters or nurses' quarters. Everything depends on that and our vote will depend upon it.

Rai JOGENDRA CHUNDER GHOSE Bahadur: On a point of order, Sir. The Kumar Sahib is not speaking on the subject before the House.

Mr. PRESIDENT: Any member has a right to speak on these supplementary grants as a whole. It is not necessary that he should confine himself to a particular portion of the grant. The Kumar Sahib is perfectly in order.

Kumar SHIB SHEKHARESWAR RAY: Then, Sir, I find that there is a demand for Rs. 32,675 for a boiler. The House will be glad to have an idea with regard to this demand and whether the order is going to be placed in India or in England or in some foreign countries. If the order is placed in Germany certainly, Sir, we are entitled to oppose it.

Then, Sir, there is the third item which refers to engines. One engine is driven by petrol and the other by crude oil. One thing curious about this is this, that we find that the petrol-driven engine

is cheaper than the crude oil engine and my point is that while we can have a finer engine at a lesser cost, why should we have this crude oil engine at a higher figure? My point is this. We require engines, and if we can have a fine petrol-driven engine why should we have an engine which is driven by crude oil specially when the former is a cheaper engine? Everything crude is objectionable.

Babu SURENDRA NATH MALLIK: What is all this?

Mr. PRESIDENT: He is perfectly in order.

Kumar SHIB SHEKHARESWAR RAY: I would seriously ask the Hon'ble the Minister for Education whether he can discard the crude oil engine. If he really wants a crude oil engine he ought to have stated to the House what his reasons were specially when the crude oil engine costs three times the money of a petrol engine. Then there is another item which I do not understand at all. It is called alternator and it costs Rs. 6,825. We are all lay people, Sir, and cannot understand all these. The Hon'ble the Minister ought to enlighten the House; otherwise we shall all be voting in the dark. We ought not to vote in the dark because that is not in the spirit of Reforms.

Then there is another item, switch board, complete, which costs Rs. 3,285. Sir, it is a small affair and it is impossible that it should cost such a lot of money. If you want so much money for this small thing I think it is high time that we should know all about it. We do not find anything mentioned about it anywhere, and so we are in the dark. How such a small thing can cost so much money? It is something very strange.

The Hon'ble the MAHARAJADHIRAJA BAHADUR of BURDWAN: It is high time that the Kumar put a brake on his exuberance of feelings.

Mr. PRESIDENT: The member is perfectly in order.

Kumar SHIB SHEKHARESWAR RAY: I might refer my hon'ble friend to the proceedings of the Houses of Parliament.

Mr. PRESIDENT: You need not refer to them. You are perfectly in order.

Kumar SHIB SHEKHARESWAR RAY: I object to all these interruptions, Sir. It takes away much of my allotted time.

Then, Sir, there is an item of Rs. 5,000 for erection. Sir, when you say alteration of buildings then that should include erection naturally. That ought to cover erection. But what sort of erection is this? Is it an erection of building or an erection of machinery or what? The Hon'ble the Finance Member just told me that it is

for machinery erection. Sir, he is very close to me and I am very thankful that he helps me now and then with information. I am very grateful to him. So it is for machinery erection!

Then I find, Sir, that, apparently the Hon'ble the Minister asks for Rs. 60,000 when the total is only Rs. 57,000. What is to become of these Rs. 3,000? In the present condition of the State coffers if we could save Rs. 3,000 it would be a great thing and the Hon'ble the Minister when he could have done with Rs. 57,000, he ought not to have asked for Rs. 60,000. Rupees 3,000 is not a small sum and on the face of it, it does not appear to be right to ask for Rs. 3,000 in excess. The Hon'ble the Finance Member, who is always so helpful to me has just now pointed out that this sum of Rs. 3,000 has been asked owing to the uncertain condition of the exchange, but I would submit that it is always open to the Hon'ble the Minister to come to the House for supplementary grant—if there is any thing wrong in the exchange rate and he can ask for Rs. 3,000 or any amount of money from us. If there is not any thing for any additional expenditure just at present he should not ask for it from beforehand. I think in this matter the Hon'ble the Minister has not been quite kind to us. It is not fair to us——

[At this stage the hon'ble member having exceeded his time-limit resumed his seat.]

The Hon'ble Mr. P. C. MITTER: I think that the thirst for technical knowledge of the Kumar Sahib who says he is a layman is insatiable. I admit I am a layman myself and I am afraid I cannot help him in the matter. I would suggest that he should attend the Sibpur Engineering College and learn all these things there.

As regards the suggestion that I may come before the Council in time when there is a change in the exchange rate I may say that it would be difficult to get hold of the Kumar and the other members after this session. However, the Kumar was not serious and I do not want seriously to reply to all the points that he has raised.

Babu Satish Chandra Mukharji's motion was then put and lost.

The Hon'ble Mr. P. C. Mitter's motion was then put and agreed to.

Mr. PRESIDENT: As Government business has not been completed to-day, it will be necessary for the Council to meet at 10-30 A.M. on Saturday, the 18th instant, to conclude it.

Adjournment.

Thhe Council was then adjourned till 3 P.M. on Friday, the 17th August, 1923. at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta, on Friday, the 17th August, 1923, at 3 P.M.

Present:

The Hon'ble the President in the Chair, the four Hon'ble Members of the Executive Council, two Hon'ble Ministers, (the Hon'ble the Nawab Saiyid Nawab Ali Chaudhuri, Khan Bahadur, being absent), and 102 nominated and elected members.

Starred Questions

(to which oral answers were given).

Establishment of union boards in Bakarganj.

***XLVIII. Rai NIBARAN CHANDRA DAS GUPTA Bahadur:** (*a*) Is the Hon'ble the Minister in charge of the Department of Local Self-Government aware that public opinion, as expressed in many public meetings held all over the district, is opposed to the establishment of village union boards, under the Village Self-Government Act, in the district of Bakarganj, and that such opposition is mainly based upon an apprehension of the consequent imposition of new taxes?

(*b*) Will the Hon'ble the Minister be pleased to state, what steps, if any, he proposes to take to allay this opposition?

SECRETARY to GOVERNMENT, DEPARTMENT of LOCAL SELF-GOVERNMENT (Mr. S. W. Goode): (*a*) and (*b*) Some petitions have been received from certain parts of the Bakarganj district protesting against the establishment of union boards. In practically all cases the ground of objection is the apprehension of new taxation. The policy of Government (Ministry of Local Self-Government) regarding the creation of union boards is explained in Government Resolution No. 1691 L. S.-G., dated the 28th May, 1923, of which a copy is laid on the Library table. Reference is particularly invited to paragraph 8 of that resolution. The Minister for Local Self-Government is of opinion that the opposition which is based on a misapprehension will vanish in the course of time when the villagers understand the policy of Government which it is the duty of local officers, and particularly the Circle Officers, to explain.

District Board Engineering staff.

***XLIX. Maulvi RAFI UDDIN AHMED:** (*a*) With reference to the reply to the question put by me on the 27th February last where the Hon'ble the Minister in charge of the Department of Local Self-Government said that the question of enhancing the scale of pay of the District Board Engineering staff did lie entirely within the competence of the District Board, is the Hon'ble the Minister aware that the District Board of Barisal, in compliance with the suggestion made by the Hon'ble the Minister in his circular letter No. 52 T., dated the 6th May, 1922, revised the scale of pay of their employees?

(*b*) Is the Hon'ble the Minister aware that the Commissioner of the Dacca Division has vetoed the action of the District Board of Barisal with the remark that the scale of pay sanctioned by the Board was unnecessarily liberal?

(*c*) Is the Hon'ble the Minister aware that the percentage of the establishment charge of the Barisal District Board was 10·5 against the allowable maximum of 20 and that the revised scale vetoed by the Commissioner would raise the percentage to 15 only at the highest?

(*d*) What steps are the Government proposing to take to set matters right to justify the principle of non-interference enunciated by it?

Mr. S. W. COODE: (*a*) and (*b*) Yes.

(*c*) Government have no information.

(*d*) Section 33, proviso (2), Local Self-Government Act III of 1885 limits the expenditure to be incurred on the public works establishment of the District Board, and leaves intact the Divisional Commissioner's statutory powers under proviso (1) against which no appeal lies to Government.

Excise shops within Jhalakati Municipality.

***L. Rai NIBARAN CHANDRA DAS GUPTA Bahadur:** (*a*)Is the Hon'ble the Minister in charge of the Department of Agriculture and Industries aware that the Jhalakati Municipality within the district of Bakarganj, by repeated resolutions, decided that the Excise (liquor, etc.) shops should be removed from the municipal area and located beyond it?

(*b*) Is the Hon'ble the Minister aware that the local "Excise Advisory Committee" also made the same recommendation?

(*c*) If so, why has not effect been given to the resolutions and recommendations aforesaid?

SECRETARY to GOVERNMENT, DEPARTMENT of AGRICULTURE and INDUSTRIES (Mr. J. T. Donovan): (*a*) The municipality of Jhalakati passed a resolution of the kind referred to on the 16th January, 1922, and they were informed that, as the Excise Advisory Committee had recommended the retention of the shops in the municipal area, the resolution could not be accepted. The municipality passed a subsequent resolution and communicated it to the Collector on the 16th March, 1923, but it was then too late to take any action. No other resolutions passed by the Jhalakati municipality were communicated to the Collector.

(*b*) and (*c*) The Excise Advisory Committee for the year 1922-23 unanimously advocated the retention of the shops. The Excise Advisory Committee for 1923-24 on one occasion were equally divided about the retention of the shops, and a majority was secured by the casting vote of the President of the Committee, who was the Chairman of the Municipality. A numerously signed petition from the inhabitants of Jhalakati urged the retention of the shops, and, as the ratepayers themselves took no action such as they might have taken under the rules, it was decided not to accept the resolution.

Rai NIBARAN CHANDRA DAS GUPTA Bahadur: May I inquire what steps could the rate-payers take?

Mr. J. T. DONOVAN: The rate-payers have got an association and they could have represented to the Collector that they desired that these shops should be removed from the municipal area.

Separation of Judicial and Executive functions.

***LI. SHAH SYED EMDADUL HAQ:** (*a*) Will the Hon'ble the Member in charge of the Judicial Department be pleased to state—

(*i*) whether it is a fact that Sir Harvey Adamson recommended that "The District Officer be empowered as a District Magistrate and certain other executive officers be employed as first class magistrates solely for the performance of the preventive functions of Chapter VIII (excluding section 106) to Chapter XII of the Code of Criminal Procedure"; and

(*ii*) whether it is a fact that the defects pointed out above in Sir Harvey Adamson's scheme have been retained in the scheme drawn up by the Greaves Committee?

(*b*) If the answer to (*ii*) above is in the negative in what respects does the scheme of the Greaves Committee differ from the scheme outlined by Sir Harvey Adamson?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Sir Abd-ur-Rahim): (*a*) (*i*) Yes.

(*ii*) It is a matter of opinion whether the provisions referred to constitute defects.

(*b*) The member is referred to the Report of the Greaves Committee and to the account of Sir Harvey Adamson's scheme given by the Hon'ble Mr. P. C. Mitter in his book entitled "The Question of Judicial and Executive Separation" published by the Bee Press in 1913.

Unstarred Questions

(answers to which were laid on the table).

Sara-Santahar line and North Bengal Flood.

116. Khan Bahadur Maulvi HAFIZAR RAHMAN CHAUDHURI: (*a*) Will the Hon'ble the Minister in charge of the Department of Public Works be pleased to state the total running feet of waterway from Sara to Jalpaiguri and the cross section of the steamers standing the highest flood line and slope of the rivers?

(*b*) Will the Hon'ble the Minister be pleased to state whether the mean velocity of any of them has been recorded? If so, what is it?

(*c*) Will the Hon'ble the Minister be pleased to state the calculations on which the present waterways were provided when converting the Sara-Santahar line into broad gauge and also in the construction of the Sara-Serajganj railway?

(*d*) Is it a fact that the present flood was caused mainly by water of the Atrai basin, lying on the west of the Sara-Santahar line?

(*e*) Is it a fact that the maximum discharge possible was not provided for by the waterways?

SECRETARY to GOVERNMENT, DEPARTMENT of PUBLIC WORKS (Mr. C. C. Dey): (*a*) The information is not available. The latter part of question is not understood.

(*b*) The question is not understood

(*c*) The information is not available.

(*d*) The floods were due to excessive rainfall on both sides of the Sara-Santahar line simultaneously with abnormal floods in the rivers Ganges and Brahmaputra.

(*e*) The maximum possible discharge is an unknown quantity as it depends on the intensity of rainfall, and all past records may be exceeded in some future year.

Case of ex-head constable Provat Nath Barat.

117. Khan Bahadur Maulvi HAFIZAR RAHMAN CHAUDHURI: (*a*) Will the Hon'ble the Member in charge of the Police Department be pleased to state—

(*i*) whether it is a fact that one Provat Nath Barat, a head constable, formerly attached to the Shampuker thana, instituted a suit against Rai Purna Chandra Lahiri Bahadur, Deputy Commissioner of Police, Northern Division, for recovery of Rs. 5,000, as damages for alleged wrongful confinement;

(*ii*) whether any sum was awarded to the said head constable as damages and costs of the suit mentioned above;

(*iii*) whether the Government will have to pay these sums; and

(*iv*) whether the cost of the litigation was paid by the Government, and, if so, what was the amount?

(*b*) Will the Government be pleased to state whether any departmental action has been or is being taken against the said Deputy Commissioner of Police since the charge has been proved against him? If not, why not?

(*c*) Are the Government considering the desirability of reinstating the said head constable in his former post? If not, why not?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Mr H. L. Stephenson): (*a*) (*i*) Yes.

(*ii*) The suit was decreed for Rs. 300 with half costs. The costs assessed amount to Rs. 1,351-14-6.

(*iii*) Government have paid the decretal amount and have ordered the payment of the costs.

(*iv*) In addition to the above amounts, the only other expenditure incurred is Rs. 100 for miscellaneous charges.

(*b*) No. The criminal case against the Deputy Commissioner was dismissed and in the opinion of Government the judgment in the civil suit for damages disclosed no ground for departmental proceedings.

(*c*) No. The cause of action in the civil case did not in any way affect the grounds on which departmental action was taken against the head constable.

Fare and freight charges of the Rivers Steam Navigation Company.

118. Khan Bahadur Maulvi RAHMATJAN CHOUDHURY: (*a*) Will the Hon'ble the Member in charge of the Marine Department be pleased to state whether there has been a heavy increment in fares and freight in all branches of service of the Rivers Steam Navigation Company?

(*b*) If so, what is the percentage of the increment?

(*c*) Will the Hon'ble the Member be pleased to state whether there has been a proportionate increment in the pay and prospects of the Indian employees of the Company?

(*d*) If the reply to (*c*) be in the negative, will the Hon'ble the Member be pleased to state the reason therefor?

MEMBER in charge of MARINE DEPARTMENT (the Hon'ble Mr. J. Donald): (*a*), (*b*), (*c*) and (*d*) Government have no information.

Victory medals to school students by Pabna and Serajganj municipalities and Pabna District Board.

119. SHAH SYED EMDADUL HAQ: Will the Hon'ble the Minister in charge of the Department of Education be pleased to lay on the table a statement showing—

(*i*) the amounts spent by the Pabna and Serajganj municipalities and the district board of Pabna, respectively, in purchasing medals for distribution among the school students of the district in order to signalise the victory of the Allies in the last war;

(*ii*) the names of the schools which received such medals; and

(*iii*) the number of medals received by each school?

MINISTER in charge of DEPARTMENT of EDUCATION (the Hon'ble Mr. P. C. Mitter): (*i*) A statement giving the information is laid on the table.

(*ii*) and (*iii*) Figures are being collected and these will be furnished to the member later.

Statement referred to in unstarred question No. 119 (i) showing amounts spent by the Pabna and Serajganj Municipalities and the District Board of Pabna in purchasing medals for distribution among school students.

		Rs.	A.	P.
1.	Pabna Municipality	66	3	0
2.	Serajganj Municipality	47	0	0
3.	District Board of Pabna	4,105	0	0

District board iron bridge on the North of Gaibandha town.

120. Maulvi HAMID-UD-DIN KHAN: (*a*) Is the Hon'ble the Minister in charge of the Department of Local Self-Government aware that there is a District Board iron bridge on the river Ghaghat just on the north of Gaibandha Town?

(*b*) Is it a fact that the bridge was constructed with the money of the rate-payers or cess-payers?

(*c*) Has the attention of the Hon'ble the Minister been drawn to the hardship of the cess-payers who are now required to pay a tax double of what they had to pay at the time of the ferry system?

(*d*) Will the Hon'ble the Minister be pleased to request the District Board of Rangpur to make a full remission of tax on the ground of hardship of cess-payers?

MINISTER in charge of DEPARTMENT of LOCAL SELF-GOVERNMENT (the Hon'ble Sir Surendra Nath Banerjea): (*a*) The answer is in the affirmative.

(*b*) Yes.

(*c*) No.

(*d*) Government do not propose to interfere with the discretion of the District Board.

Shelter for witnesses at Burdwan.

121. Raja MANILOLL SINGH ROY: (*a*) Is the Hon'ble the Member in charge of the Judicial Department aware that the litigant public and witnesses attending the Civil Courts at Burdwan are suffering greatly for want of proper shelter?

(*b*) If the answer to (*a*) be in the affirmative, will the Hon'ble the Member be pleased to state what steps, if any, the Government are proposing to take in the matter?

The Hon'ble Sir ABD-UR-RAHIM: (*a*) No.

(*b*) Does not arise.

Slaughter of cattle.

122. Babu AMULYA DHONE ADDY: (*a*) Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state what class of cattle are annually slaughtered in the Municipal and Cantonment Slaughter Houses within the jurisdiction of this Government?

(*b*) Will the Hon'ble the Minister be pleased to supply a statement showing—

(*i*) total number of cattle slaughtered in the different Municipalities and Cantonments within their jurisdiction during the past three years; and

(ii) the number of prime cattle, agricultural cattle, and milch cattle slaughtered in the Municipal and Cantonment Slaughter Houses during the same period?

(*c*) Will the Hon'ble the Minister be pleased to lay on the table the following information regarding pasture lands in the Province, viz.—

(*I*) total quantity of land available for pasture, district by district, with particulars regarding the locality?

(*d*) Is it a fact that municipalities have been precluded by Government orders from enforcing the resolutions passed by such municipalities restricting or forbidding the slaughter of prime and milch-cattle in the Municipal Slaughter Houses?

(*e*) If so, will the Hon'ble the Minister be pleased to state the grounds for such interference?

(*f*) Are the Government considering the desirability of withdrawing these orders?

(*g*) If the answer to (*d*) is in the negative, will the Hon'ble the Minister be pleased to state whether it is a fact that there has been such interference in the case of the following municipalities:—

Madaripur, Katwa, Baidyabati and Budge Budge?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*a*) and (*b*) The member is referred to the reply to his unstarred question No. 59.

(*c*) The information is not available.

(*d*), (*e*), (*f*) and (*g*) The member is referred to the reply to his unstarred question No. 97.

Separation of Judicial and Executive.

123. Khan Bahadur Maulvi HAFIZAR RAHMAN CHAUDHURI: (*a*) Will the Hon'ble the Member in charge of the Appointment Department be pleased to state what action the Government are proposing taking on the report submitted by the Greaves Committee?

(*b*) Will the Hon'ble the Member be pleased to state whether it will be necessary to introduce a Bill in order to give effect to the recommendations of the Committee and, if so, when the Bill is likely to be introduced?

(*c*) Will the Hon'ble the Member be pleased to state what expenditure has been incurred on account of the Greaves Committee?

MEMBER in charge of APPOINTMENT DEPARTMENT (the Hon'ble Mr. H. L. Stephenson): (*a*) The action to be taken is at present being considered, but Government are not yet in a position to make any statement.

(*b*) It may be necessary to ask the Government of India to undertake legislative amendments, but no date can be indicated at present in this connection.

(*c*) Approximately Rs. 17,000.

Jute forecasts.

124. Mr. C. F. ROSE: (*a*) Is the Hon'ble the Minister in charge of the Department of Agriculture and Industries aware—

(*i*) that for the past three years the jute forecasts have been, in the opinion of the jute trade, misleading; the available crop exceeding the amount estimated in the final forecast in 1920 by about 28 per cent., in 1921 by about 76 per cent., and in 1922 by about 43 per cent.;

(*ii*) that in the preliminary forecast for 1923 the Director of Agriculture has revised the acreage figures given in the final forecast for 1922, and that the revised figures show that the acreage was underestimated by no less than 27 per cent.; and

(*iii*) that the jute trade, the jute manufacturing industry, and the consuming industries all over the world, are vitally interested in the Government forecasts of the crop?

(*b*) Do the Government contemplate withdrawing (or have they withdrawn), on the ground of economy or for any other reason, the special staff of jute clerks engaged to check the estimates of the village panchayets in connection with the jute forecasts, and to carry out crop-cutting experiments?

(*c*) Is it a fact that the annual cost of that staff amounted only to about Rs. 22,600? If so, what percentage does the amount of this annual cost represent on the revenue obtained from the trade by the export duty on jute and jute manufactures?

(*d*) Will the Government be pleased to state what measures, if any, they have in contemplation to improve the present method of the preparation of the jute forecast with a view to ensuring greater accuracy than has been obtained in the past three years?

Mr. J. T. DONOVAN: (*b*) (*i*), (*ii*) and (*iii*) The answer is in the affirmative.

(*b*) Government have decided, on the ground of economy, to dispense with the special staff of jute clerks engaged in connection with the jute forecast.

(*c*) The expenditure which amounted to Rs. 22,600 represents a percentage of ·17 of the revenue derived by the Government of India in the shape of export duty on raw jute and jute manufactures.

(*d*) The present Director of Agriculture has worked on the jute crop for nearly 20 years and he has been instructed to give his personal attention to the preparation of the forecast which it is hoped will approximate to the correct figure more nearly in the future than in the recent past.

Marsh near Fraser Hospital, Burdwan.

125. Raja MANILOLL SINGH ROY: (*a*) Is the Hon'ble the Minister in charge of the Department of Local Self-Government aware that there is a big marsh near the " Burdwan Fraser Hospital " at Burdwan covered with water hyacinth which affects the healthiness of the said hospital?

(*b*) If the answer to (*a*) is in the affirmative, will he be pleased to state what steps, if any, are being taken in the matter?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*a*) and (*b*) The Minister has no information. The question has been brought to the notice of the municipal authorities whose concern the matter is.

Vendors of excisable articles.

126. Babu SURENDRA NARAYAN SINHA: (*a*) Will the Hon'ble the Minister in charge of the Department of Agriculture and Industries be pleased to state what steps, if any, have been or are being taken towards eliminating the old and existing farmers of Abkari shops generally belonging to the illiterate and lower order of the society, and supplanting them by the educated middle class people?

(*b*) Will the Hon'ble the Minister be pleased to state—

(*i*) what are the districts where the policy of eliminating and supplanting has been carried on energetically by the Excise Superintendents; and

(*ii*) what are the numbers of educated men who have been provided in the Abkari shops in places of the old members so far, in each district?

(*c*) Are the Government considering the desirability of giving an impetus to the above policy by issuing instructions on the Excise Superintendents in each district?

Mr. J. T. DONOVAN: (*a*), (*b*) (*i*) and (*c*) The practice of taking men of respectability and education as vendors in the Excise Department existed before the introduction of the Bengal Fixed-Fee System which now extends throughout the Presidency. Under the Fixed-Fee System there are no orders to eliminate altogether old and existing vendors of Excise Shops who had given satisfaction, simply because of their being lower class illiterate men. In cases in which a particular vendor had numerous shops it was directed that he should gradually hold only one shop, so that he could manage it personally and satisfactorily, and the rest should be settled with new men. In settling those shops and other shops that might be vacant in future, Collectors have been instructed to select men who are likely to manage them honestly and properly, respectability and education coming into consideration in this respect.

(*b*) (*ii*) The information is not readily available and the labour involved in obtaining it will be incommensurate with its value.

NON-OFFICIAL MEMBER'S BILL.

The Calcutta Suppression of Immorality Traffic Bill, 1923.

The Hon'ble Mr. H. L. STEPHENSON: I present the report of the Select Committee on the Calcutta Suppression of Immoral Traffic Bill, 1923. The alterations the Committee have made in the Bill have been fully explained in the report and our views on the subject are fully detailed. We are unanimous in considering that the time has come to take a further step in advance in the matter of suppression of immoral traffic. We are unanimous in thinking that we cannot go too far in advance of public sentiment. We are also unanimous in thinking that the suppression of immoral traffic will rest far more upon the effort made by societies and other bodies for reformation than on any specific provision in the law. Our aim has been to provide the machinery to aid the reformation which we trust these bodies will take in hand. There is only one point on which the Committee were not unanimous and that is regarding the very vexed question of the proper way to deal with solicitation and the balance of advantage and disadvantage of risk and certainty on one side or the other. But as this question will come up very shortly in amendment No. 9, it is unnecessary for me to discuss it now.

Professor S. C. MUKHERJI: I move that the Bill as reported by the Select Committee be taken into consideration.

I do not wish to make any observations at this stage except that I consider this Bill to be a very great improvement on the original draft, and so far as the amendments are concerned, when they are taken into consideration I shall make my observations.

Mr. PRESIDENT (the Hon'ble Mr. H. E. A. Cotton): The question is that the Calcutta Suppression of Immoral Traffic Bill, 1923, be taken into consideration.

The motion was put and agreed to.

CLAUSE 1.

Mr. PRESIDENT: The question is that clause 1 stand part of the Bill.

The motion was put and agreed to.

CLAUSE 2.

Mr. PRESIDENT: The question is that clause 2 stand part of the Bill.

Babu ANNADA CHARAN DUTTA: I move that in clause 2(*1*), line 3, the word "habitually" be omitted.

My object is that the word "habitually" should be dropped, because I find that the word "habitually" has not been defined. This word also occurs in the provisions for bad livelihood in the Criminal Procedure Code. There, also, it has not been defined but it has been held in the decisions of the High Court that it always implies something as a result of repetition of offences. Well, I do not know whether the framer of the Bill has it that a particular house used by only one man—which may be for months—would not come under the definition of "brothel." If the object is that even one such user would bring it under the term "brothel" and all the salutary provisions made in this Bill be applied to that also, the word "habitually" should be deleted. The clause runs thus: "Brothel" means any house, room or place which the occupier or person in charge thereof habitually allows to be used by any other person for the purposes of prostitution." I would add that even allowing for the first time should be sufficient to bring it under this Bill. Otherwise, in actual operation in law courts, the word "habitually" will always be interpreted according to the decisions of the High Court; that is, the first user of this kind would not bring it under this term. That is my view and therefore I press it upon the attention of the Council.

Professor S. C. MUKHERJI: I oppose the amendment. I consider the word "habitually" an essential and integral part of the definition of a "brothel." That word really gives it its character. It defines the character of the house or room or place where prostitution is a habitual thing.

The Hon'ble Mr. H. L. STEPHENSON: This amendment, if carried, would bring within the definition of a " brothel " any house in which a kept mistress is living and it was considered by the Select Committee that that would be going too far. We therefore stuck to the word " habitually."

The motion was put and lost.

Khan Bahadur Maulvi WASIMUDDIN AHMED: I move that in clause 2(*1*), line 3, after the word " habitually " the words " uses or " be inserted.

The clause as it is in the Bill shows only that a " brothel." means any house or room or place which the occupier or person in charge thereof habitually allows to be used by any other persons for the purpose of prostitution. That excludes from the operation a person who owns a house or is in occupation of the house and uses it for the purpose of prostitution. Therefore, it is necessary that the words " uses or " should be added so as to include the person, the actual occupier, as an offending party against this Act. So, I beg to propose the addition of the words " uses or."

Rai MAHENDRA CHANDRA MITRA Bahadur: I find that in the definition of " brothel " the words " allows to be used by any other person " have been inserted. If allowance is considered to come within the definition, I submit that the word " uses " ought to be inserted, because mere allowance will not be sufficient for the purpose. Mere permission will not be sufficient according to the view I take and that is the reason why I press for the addition of the words " uses or."

Babu ANNADA CHARAN DUTTA: My simple reason is this that the provision as it stands seems to include the occupier or person in charge thereof, etc. Supposing that such person herself is a prostitute and uses it for the purpose of prostitution, why should she escape? There is no reason and the words " uses or " will be sufficient to bring her under the purview of this section. That is the reason why I press for the addition of these words.

Professor S. C. MUKHERJI: I oppose this amendment on the ground that the Bill does not contemplate the inclusion of women who are kept as single mistresses by people. We have more in view cases where the commercial aspect is present and where it is a matter of trade. If a gentleman thinks of keeping one woman in a particular house we do not wish to include such a house as coming within the purview of this Bill.

Babu ANNADA CHARAN DUTTA: May I inquire whether the hon'ble member is drawing a difference between a kept mistress and a prostitute?

Mr. PRESIDENT: That does not arise—it is a matter of opinion.

The motion was then put and lost.

Rai NIBARAN CHANDRA DAS GUPTA Bahadur: I move that to clause 2(*1*) the following be added, namely:—

"or for giving temporary shelter to, or for harbouring any girl or woman, destined for prostitution or a life of shame."

I want to make the definition wider in its scope. We know that there are *bariwalis* who use certain houses where young girls, who are destined to take to a life of shame, are kept, and as soon as they are sufficiently old, they are dispersed and sent to other houses. I should like to bring the houses used by the *bariwalis*, themselves within the definition, and that is why I propose that this amendment should be accepted. These houses are something like depots and these depots should also be regarded as brothels.

Professor S. C. MUKHERJI: I oppose this amendment. This may be a very dangerous innovation in the definition because a rescue home or an industrial home or a mission house or even a church which gives a temporary shelter to such unfortunate victims, if such a clause is imported into the definition of a "brothel," will come under it, and this may lead to the opening of a big loophole, thus making the Act unworkable.

The motion was put and lost.

Mr. PRESIDENT: The next amendment of Rai Mahendra Chandra Mitra Bahadur will stand over for the present.

Khan Bahadur Maulvi WASIMUDDIN AHMED: I move that after clause 2(*4*) the following be added, namely:—

"(*5*) the words 'imprisonment of either description' will have the same meaning as in the Indian Penal Code."

In this Bill we find that in case of awarding punishments, it is simply written that the offender should suffer imprisonment. It is not stated what sort of imprisonment it will be and whether the convict will be subjected to any labour or not. So, it is desirable to amend several sections in the way that imprisonment of either description will be awarded and for that purpose I want to be definite. It will have the same effect as in the ordinary penal code. If a man is sent to jail, he cannot be made to work in the jail without the addition of the words proposed in the amendment. So, I want that the word "imprisonment" should be defined.

SECRETARY to GOVERNMENT, JUDICIAL DEPARTMENT (Mr. H. P. Duval): The member seems to be under a misapprehension.

Section 3 of the General Clauses Act applies to this Bill as it does to all Acts passed since 1899 and in that Act there is already a definition of "imprisonment." Imprisonment there is defined as "imprisonment of either description as defined in the Indian Penal Code." It is not necessary in each Bill of this Council to set out any of the definitions already set out in the General Clauses Act. Therefore, there is no need for this amendment at all. It is already provided for by the General Clauses Act.

Khan Bahadur Maulvi WASIMUDDIN AHMED: In that case, I withdraw my amendment.

The motion was then, by leave of the Council, withdrawn.

Rai HARENDRANATH CHAUDHURI: I move that after clause 2(4) the following be added, namely:—

"(5) 'prostitution' means sexual intercourse by a woman promiscuously with any man for money or other valuable consideration."

I agree with Mr. K. C. De that this Act should contain a definition of "prostitution." The definition I want to put in is virtually that suggested by Mr. De. Mr. De would define "prostitution" as "sexual intercourse by a woman promiscuously with any man on payment of money or other valuable consideration." Flexner in his History of Prostitution in Europe defines "prostitution" in much the same way. The importance and necessity of defining the word "prostitution" will be realised from the fact that the word occurs some eight or nine times in this Act and so much depends on the meaning of the word "prostitution." Thus, clause 4 will penalise any person who solicits in public streets for the purpose of prostitution. Clause 5 would penalise any man who allows any house, room or place to be used for the purposes of prostitution; clause 9 says that any male person who knowingly lives, wholly or in part, on the earnings of prostitution shall be punished; clause 11 aims at punishing a man who imports into Calcutta any woman or girl to carry on the business of a prostitute; and clause 12 provides for the punishment of any person who detains any woman or girl against her will for the purpose of prostitution. Thus it will be seen that much depends on the interpretation of the word "prostitution." So, I think, the word should be clearly defined in this Act.

Professor S. C. MUKHERJI: I oppose this on the gound that it is quite unnecessary. It is a well known word and about which there is no misapprehension in the mind of anybody as to what prostitution means. The definition of the word will not add to the usefulness of the Bill.

The Hon'ble Mr. H. L. STEPHENSON: The Select Committee considered the question of the definition of the word "prostitution." I do not think that there is a definition in any Statute. Rai Harendranath

Chaudhuri's definition is merely a dictionary explanation of the word "prostitution" and the difficulty comes in when you place a definition in a Statute which has got to be construed strictly. One effect of putting in this definition in the Act would be that the prosecution would have to prove the passing of money or other valuable consideration which might be an impossibility. In no other Act has it been found necessary to define "prostitution." The Burma Act has not defined "prostitution." The Bombay Act does not define "prostitution." As Professor Mukherji has said there is no likelihood of any indefiniteness or any injustice being done if the word was left undefined. Difficulties are likely to arise if the word is defined.

The motion was put and lost.

CLAUSE 4.

Mr. PRESIDENT: The question is that clause 4 stand part of the Bill.

Mr. F. E. E. VILLIERS: I move that clause 4 be omitted.

The amendment which stands in my name and which is now before the House for its consideration is the logical outcome of the minute of dissent with which felt it incumbent on me to qualify my signature to the report of the Select Committee. As I pointed out in my note, legislation seeking to deal with the control of immoral traffic must proceed on two broad general basic principles—the one being that immorality can be eliminated by law and the other principal being that, recognising as we do that we are dealing with one of the fundamental instincts of human nature it can can be so dealt with and we must confine ourselves to discouraging it and mitigating the evils arising therefrom. The Bill under consideration seeks to effect control in three ways—firstly, by striking at the pimp or procurer; secondly, by providing for the removal of girls under 16 years of age from brothels; and thirdly and lastly, by protecting the youths of our city by rigorously punishing those who solicit in public streets and places. With the first two points I am in entire agreement but I join issue, and that very strongly, with the third point, namely, the drastic way in which it is proposed to deal with the women who publicly solicit. My reasons for disagreement are threefold:—Firstly, I do not believe that solicitation is as great as evil as the protagonists of the clause would have us believe; secondly, if it be an evil, I see no ground for changing the existing law; and thirdly and lastly, the changes suggested by clause 4, if put into effect, will have most pernicious results and ones which will, to my mind, seriously jeopardise the liberty of the subject. I propose to deal with the three contentions as briefly as possible, and I will take them in the order in which I have cited them.

Firstly, with regard to the alleged seriousness of the evil of solicitation. There are two main contentions brought forward to substantiate this contention—firstly, that it is a public nuisance, and secondly, that it definitely leads to immorality and that the suppression thereof will *ipso facto* lead to the suppression of immorality. With regard to the question of it being a public nuisance; the scarcity of cases in the law courts is, I think, a sufficient evidence that it is not a nuisance to the extent that some would have us believe or if it is such a nuisance that at all events the pubilc do not realise it as such since they do not avail themselves of the remedy which the law now provides; so I think, therefore, we need not waste further time with this contention. But the real ground upon which this point must be considered is as to whether solicitation does or does not lead to immorality, and if it leads to immorality, whether it leads to it to such an extent as to demand such extraordinary and drastic legislation. Unquestionably solicitation does lead to immorality— about that there is no doubt. It would be idle to contend otherwise. Obviously a woman does not solicit otherwise than in the hopes of attracting trade, but the point for consideration is this: to what extent does the realisation come up to her expectations? Comparatively speaking, but seldom, I think, and this opinion is substantiated by many of my friends from both the European, the Anglo-Indian and the Indian community. Speaking for my own community, I have not the slightest hesitation in affirming that solicitation does not lead in any definite or marked degree to immorality. Those of my countrymen who come out here come out with their characters already formed; they either are moral or they are not. The mere fact of a chance meeting with one of these unfortunate women in the streets seldom, if ever, leads to their downfall. The case of the Anglo-Indian community I am assured is on a par with our own. Here, again, undoubtedly there are occasions when its young men have taken the first step in their downfall owing to such a chance meeting; but I believe it to be as rare an exception in the latter community as I know it to be in the former. In dealing however with the question of the Indian community I confess that I am on a much less certain ground. On the one hand we have the sober and steady judgment of men like Professor S. C. Mukherji and the Chairman of the Corporation who assure us that solicitation does lead to a definite increase of immorality; on the other hand from inquiries I have made from my Indian friends of various classes I gather that they are equally convinced that such is not the case. So that the matter would appear to resolve itself into a matter of personal opinion—and we have no statistics to help us to arrive at the real truth of the position. I propose therefore that we should approach the matter from a different standpoint. Granting for the sake of argument that it is a public nuisance and that it does lead in a marked degree to immorality, the point we will now consider is this. Wherein lies the necessity of tampering with the law as it exists to-day?

The law as it now stands allows the solicitee to follow the ordinary normal course of action, i.e., lodging a complaint as the aggrieved party. It is urged that it is an unpleasant task and that it leads to unpleasant consequences, and that, men as such prefer to keep clear of it. Well, Sir, if we are so blind to this so-called evil of solicitation, or if we are so sluggard in taking action in the matter, is that any reason why we should jeopardise the safety and liberty of our women? Is that any reason why we should endanger every woman who goes abroad throughout the city? Surely not! Let us never forget that if women constitute the supply of prostitutes, it is we, men, who constitute the demand which creates that supply. Surely, then, it is up to men to see that legislation bears equally on both sexes. Again the contention is brought forward that many abstain from laying a charge owing to the difficulty of getting a conviction; and indeed I take it that the real purpose underlying the clause in question is that we shall be able to get convictions where the previous law failed so to do. In other words since we cannot get a conviction through the ordinary recognised process of the law it is proposed to do away with this process and put into the hands of the police summary powers such as I believe no other country in the world has dared to entrust to their police. Even so, I fail to see how it is going to improve matters. We are faced with the following proposition. Either a magistrate, when a case comes up before him, will deal with the case by the light of corroborative evidence or he will not. If he demands corroborative evidence I fail to see how we are any better off since there is no reason to suppose that a man who has failed voluntarily to come forward in the past to give evidence will do so now. On the other hand the magistrate may deal with it without any corroborative evidence at all. In which case we propose to get a conviction or acquittal will be obtained against these unfortunate women, whether they are innocent or guilty, on the mere opinion of one of these specially empowered police.

Lastly, coming to my third point, namely, the vicious results which will follow if this clause becomes law and the infringement of the liberty of the people; to begin with, the chances of blackmail are more than hypothetical; and in making this statement I want to make it clear that I neither imply nor impute any special charge of dishonesty against the Calcutta police; but what I do say and most emphatically is that we have no sort of right to act on the assumption that the police of this city surpass in honesty the police of other cities whether in the East or in the West. We know that cases of blackmail do exist. We know of a case the fame of which rang through England a few months ago; a typical case complete with the necessary corollary to the blackmailing of an intractable victim, namely, the false witness. In addition to the chance of blackmail there exists in my opinion very definite chances of honest mistakes being made by the police. As we all know, there are many

thousands living in this city who, through economic conditions, are forced to live in one room and very often share that one room with one, two, three or four others whose only means of recreation, whose only chance of getting away from the sordid environment of their life is by promenading the public streets and places; in other words going out—to use the words of the clause under discussion—in any street or public place or within sight of a street or public place. In future, if this clause becomes law, our women will be able to walk abroad in our public places only at the risk of being summarily arrested for solicitation. In making this point I am perfectly certain that there are many here who think I am taking a morbid and exaggerated view of this case; but an observer has only to go through the streets of any of our big towns whether in India or in Europe to satisfy himself that the freedom of gesture which emancipation has given to the youth of both sexes would furnish a very reasonable excuse for a perfectly honest mistake being made on the part of the police. Well, Sir, I have said my say and I urge the House with all the earnestness that I can command not to accept this clause but to support my amendment. The charge has often been levied against men who have in the past been the law givers of the land that the laws we framed were to benefit our own sex as opposed to the other. I ask the House to bear this in mind and not to add further weight to this reproach. If the House accepts my amendment I should ask leave subsequently to move a consequential amendment whereby the law will remain as it is to-day, and anybody who is molested in the public street by a prostitute may take the ordinary course of law, and lay his charge, and if she is found guilty, obtain a conviction.

Mr. J. CAMPBELL FORRESTER: I rise to support this amendment and in doing so I wish to point out that in my opinion there has been a great deal of unnecessary hysterical talk over this Bill. I do not wish to be misunderstood. I intend to support the Bill in its main principle, but I should plead with the members not to get an attack of neurasthenia and go to extreme measures; from my own personal experience of the cities in Europe I consider (from an European point of view) Calcutta is one of most moral cities that I have ever lived in. Where is the town or city in Europe where you can freely walk about any of its streets without being solicited? I defy any member to point out any city in Europe where a European can move so freely about all its streets without being solicited. Let us be in all things moderate. We have the experience of the past history of our own country of what happens when we go to extremes. Let us see what happened in the past. We remember the history of the Cromwellian period. When Cromwell came into power he went to such extremes in annulling all amusements that the very word "morality" stunk in the nostrils of all right-thinking people. Well, Sir, what happened when King Charles came to the throne? Well! when he

came to the throne the people went from one extreme to the other. Therefore I ask the members of this Council and the Government to consider this position carefully and go cautiously. All statesmen, who consider the good Government of the people and make laws for the people should never go to extremes. The Government of the country must not be too hard, but they must be guided in legislation with all moderation.

I personally abhor the idea that the policemen of the city should have the power to arrest any person who he considers is soliciting. His idea of solicitation may be a mistaken one, he may be entirely wrong. I tremble to think what the condition of the city will be if the policemen are given a free hand in arresting any person either male or female and as my friend Villiers——

Mr. PRESIDENT: Who is that friend?

Mr. J. CAMPBELL FORRESTER: Mr. Villiers, Sir, I am sorry. Mr. Villiers has stated that there was no special dishonesty amongst the Calcutta police, as a fact he said he placed them in the same category as the police in other big cities. That may or may not be so, but we have got to remember that our European women hold a different position out here from what they do in Europe, therefore it behoves us to be extremely careful so that we may not give power to the police, power that may place our womenfolk in an awakward position by some overzealous policeman making a mistake. I support this amendment and feel that no further words from me are necessary. Every sensible member of this House must recognize that this amendment is a very necessary one and I feel sure that I may leave it to the good sense of the House with complete confidence in its decision.

Rai MAHENDRA CHANDRA MITRA Bahadur: I support the amendment that has been moved. I have also put in an amendment. If the amendment of Mr. Villiers is carried it will not be necessary to discuss mine. In that view of the question I suggest that if one reads the clause twice he will be satisfied that the operation of the law will not be a successful one and we will be entirely in the hands of the police. The Court will have to take into consideration the opinion of the police. The magistrate before whom a trial takes place will be in great difficulty. The police inspector will come forward with his own views on the subject and the magistrate will not be in position to deal with the matter upon evidence. I thought over the matter again and again and have come to the conclusion that in the domain of practical morality this clause is an innovation. I am perfectly aware that there are similar clauses in the English Act but they have been practically restricted in a great degree. It is far better that we should not be in the hands of the police in this connection. I thought that certain limitations are provided in the English Act may be put forward to take away (if I may use

the words) the mischievous tendency of this clause. I think it is highly necessary that this clause should be omitted. Now the words "solicitation" and "endeavour to solicit" are used in the clauses. What practical evidence can be introduced to secure a conviction? It will be necessary to understand the law, the law must be so clear as to secure a conviction, if there be an offence, but is it an offence simply because there is supposed solicitation? That is a question which I leave to the House to consider. However anxious the author of the Bill might have been to secure perfect morality in society, he ought to have seen that there are various difficulties in bringing the law into actual operation. I am very much afraid of the police endeavour to secure a conviction and without further taking up the time of the Council let me once more say that this clause should be omitted.

Babu ANNADA CHARAN DUTTA: The clause in the first paragraph makes an offence of what may be styled as solicitation; the second paragraph shows how the offence is to be detected and the offender to be brought up for trial. In the first place, perhaps I misunderstood the whole scope of the Bill, but now I have been a little enlightened by the rejection of amendments Nos. 1 and 2. It does not aim at the extinction of the unfortunate creatures over whose destiny we are sitting in judgment to-day. Clause 4 seems to have been the result of a struggle between a hypercritical idea on one side and the practical difficulties in legislating consistent with that sort of ideal. On the face of it, it is so very badly worded that in actual operation the plight of the magistrate who has to administer this section will be pitiable, consisting as it does of so many words. Several members including my humble self have directed a number of amendments to clear its meaning but I think the matter should go a little deeper. If you really aim at the extinction of this class of women, then solicitation must be held to be an offence. If that is so, it must be done away with and recognized to be an offence within the limits of this big municipality. We have heard from our able Chairman of the Corporation, who on another occasion was so liberal in respect of the grant franchise to women, that solicitation has grown into an evil. The question that remains is this: if you recognise that prostitutes have a right to be here and cannot be done away with in such a big city, perhaps my hon'ble friend, the Chairman of the Corporation, thinks that these women are the safety valves of the society here; yet there is some sort of solicitation which must be held absolutely illegal on their part.

When the solicitation is of such a nature that it is converted into a public nuisance or it is so impertinent that it cannot be ignored, then it should be an offence, and unfortunately that is too often the case. On the other hand if you allow them to live on the earnings of their prostitution in one sense or other then there is no reason why you should

exclude them from the privilege of attracting customers, so to say! So my idea is that mere solicitation if it is in no way harmful to sentiments or does not cause annoyance to anybody, should not be held to be an offence. Therefore the first paragraph should be deleted.

The second paragraph is the real question—the question of giving power to the police. If, however, it is intended that this clause should be a dead letter, then it is not a very desirable thing to legislate for, as in some cases it is bound to be an engine of oppression, and, so, this section too should be deleted. So whatever may be the sentimental views, for all practical purposes we should support the amendment of Mr. Villiers.

Rai JOGENDRA CHUNDER GHOSE Bahadur: I support the amendment of Mr. Villiers. I will not repeat his arguments which are cogent enough. Speaking for myself, I cannot kick at a helpless poor woman, not even for the sake of morality. Mercy is higher than any canon of morality that we know of. The poor unfortunate woman has been the temptress from ancient times. Eve tempted Adam out of the Garden of Eden. The celestial fairies are supposed to have tempted the great Rishis of old. Even the great Buddha was supposed to have been tempted. Woman—the temptress! It is the male in the universe of life that adorns himself with all fineries, with songs and dances to tempt the female—the glory of the female is motherhood. It is sometimes forced upon her by the stronger male. In the case of the woman there is the glory of motherhood but in the case of the man there is only lust. Sir, woman—the temptress! She is to be sent to jail for soliciting I can never be a party to that. I know of a great man now dead who seduced a very respectable girl. In his old age he became virtuous and deserted her. He told me that she came to his house with tears in her eyes and asked him not to desert her but this saintly person said that he resisted all temptation. He did not yield to solicitation.

Sir, do you know which sort of woman solicits? It is the woman without bread, the woman ruined and deserted by man, forced for her bread to stand beside her door and tempt men by her beauty. She has no bread at home. Probably her child is starving and it is only that which makes her undergo this humiliation of going through the streets soliciting. I cannot conceive of a sadder spectacle than that. I would not, indeed, I cannot further describe the heartlessness of those who attempt to send to jail such a weak and breadless woman.

The dangers of such a provision as this are so great that I wonder how any one can support it.

Rai NIBARAN CHANDRA DAS GUPTA Bahadur: I think the existing law is quite sufficient to meet the demands of morality, that is, to prevent immoral solicitation, which is an offence under the existing

law. Now the framer of the Bill wants to make it more drastic. In attempting to do it I think an outrage is going to be done to the liberty of the people. It seems, the sting of the whole thing lies in sub-clause (2), where solicitation has been raised to the dignity of a "cognisable" offence, in which the police may arrest without warrant. Now it is for the House to consider if such a drastic provision is called for. We should take into consideration the arguments of the proposer of the amendment, which to my mind are quite cogent and very reasonable. A provision like this would open the door to police *zooloom* in many cases, and therefore I think that the clause should be omitted. Further, I for myself do not see any reason why poor women should be punished, whereas men to whose passions they are victims escape scot free. While solicitation is becoming a perfect nuisance, I think the existing law is sufficiently strong to put it down——

Babu NIRODE BEHARY MULLICK: What is the present law relating to solicitation?

Rai NIBARAN CHANDRA DAS GUPTA Bahadur: I think my friend is a lawyer and he ought to know what the existing law is.

Mr. PRESIDENT: I cannot allow a private conversation between members.

Rai NIBARAN CHANDRA DAS GUPTA Bahadur: I think any lawyer can point that out. If hon'ble members will be pleased to take into consideration sub-clause (2), they will find it stated there, that "a police officer not below the rank of a sub-inspector or a sergeant specially empowered by name in this behalf by the Commissioner of Police, may arrest without a warrant for any offence specified in sub-section (1)." It contemplates an offence, committed in their presence, but without any complaint (as the person solicited may not feel aggrieved) for which the police officer considering the movements and gestures of any woman to be objectionable, may take her into custody without any warrant. Ought that to be the law? Is it not an encroachment upon our vaunted freedom and liberty? Apart from that question, I think this practice of solicitation has not assumed such gigantic proportions as to demand the enactment of a drastic measure like this. So, I whole-heartedly support the amendment moved by Mr. Villiers.

The Hon'ble Mr. H. L. STEPHENSON: This question of the right way to deal with solicitation has been considered in every quarter of the globe and has not yet been satisfactorily solved. The present law in Calcutta allows a police officer to arrest without warrant on the complaint of the person molested. If it is desired to go a step further, if it is considered that solicitation in Calcutta is a crying evil, and if it is considered that it must be stopped, it is necessary to strengthen the law in respect of this, and I consider that the section as it stands is the least we can do.

It is no use trying to strengthen the law against solicitation if you are going to object to giving the police power to arrest without a warrant. You have got to swallow the pill one way or the other. It is perfectly open to argument whether the evil in Calcutta at present is sufficiently grave to necessitate adopting any drastic measure in order to stamp it out. From the point of view of the police they have no wish whatever for a further extension of powers; the police themselves do not want them, and they would much rather be without them. At present they have this protection that if they are accused of blackmail they can produce the person who complained. In the future the whole onus will be thrown upon them and criticism which is always waiting for the police, will have further rope. From the point of view of the Member in charge of Jails I regard the imprisonment of a prostitute for a short term as an unmitigated evil. Visiting the Presidency Jail you will find half a dozen prostitutes in for a fortnight, or three weeks or a month, whom it is impossible to reform in so short a time, and who only contaminate the other female prisoners. But, Sir, this is a matter which it is for the community at large to decide for itself at to whether it should take any step at all. The Government members will be entirely free to vote on this motion and Government only desire to follow the sentiments of the public on the matter; and not in any way to force the pace if the public are not prepared for it.

Rai Dr. HARIDHAN DUTT Bahadur: I rise to oppose the amendment of Mr. Villiers. I do so as a citizen of Calcutta and as one of their representatives. I am surprised to find that there is some difference of opinion with regard to the methods to be adopted for the purpose of preventing solicitation. I do realize that the question is not free from difficulty, and that the solution is not so easy, but at the same time I cannot forget that solicitation in Calcutta has now reached a stage at which it requires to be suppressed. What Mr. Villiers' information is, I do not know, but those of us who live in the northern part of the city will not be surprised when I say that solicitation has become scandalous and has to be suppressed. Those of us who have to pass through such streets as Beadon Street, Chitpore Road and similar other streets in the heart of the city, will they agree with Mr. Villiers when he says that solicitation is not so very dangerous as to require a weapon like this? In the evening when we pass with our families in carriages through these same streets, we feel ashamed to go with our families; we feel that this state of affairs cannot be tolerated by any man who has the slightest regard for the decencies of life.

Mr. F. E. E. VILLIERS: Has the member ever lodged a complaint?

Rai Dr. HARIDHAN DUTT Bahadur: Again I speak of quarters like College Square, Bow Bazar, etc., with which we are familiar. Three

years ago attempts were made to do away with the brothel houses very recently established near the University colleges. The Corporation of Calcutta attempted to declare these streets as public thoroughfares, at the first stage, to prevent brothels being established there; subsequently the Commissioner of Police said that he could not take any action unless people came forward and stated that there was solicitation. At present we have been told that unless we come forward and complain about the solicitation, the present Act practically becomes useless. Is there any reason, any justification for brothels being allowed to be established in Calcutta in localities near about the University of Calcutta?

Babu ANNADA CHARAN DUTTA: I rise to a point of order. Are we discussing the question of the location of brothels or the question of solicitation?

Mr. PRESIDENT: The House is discussing the question of solicitation, but Dr. Haridhan Dutt has started talking about the undesirability of establishing brothels in certain quarters. Keep to the point, Dr. Dutt, please.

Rai Dr. HARIDHAN DUTT Bahadur: I wish to point out that in these houses, recently called brothels, in which these women live, one part of their work is to sit on the verandahs in front of their houses and solicit passers-by. As I spoke about the Calcutta University and the locality round about, I wanted to point out that that portion was up to very recently free from such houses where solicitation was common, but during the last three years, certain streets have been declared as public thoroughfares with the result that these women come to these quarters which were formerly free from them and settle themselves there. If we have a law like this, that solicitation will not be permitted, these women would not dare to come near the Calcutta University.

I am extremely surprised to find that Rai Jogendra Chunder Ghose Bahadur, who represents the Calcutta University in this House, is not looking to the moral interests of the students of the University. If he will come with me, I will show him how a large number of students are being subjected to solicitation by these women in a way which can easily be prevented. I am rather surprised to find that some of my friends who come from a distance of 300 or 400 miles from Calcutta pass opinions seriously here whether solicitation should be prevented or not. My friend, Rai Nibaran Charan Das Gupta Bahadur comes from Barisal and he advises us as to whether solicitation is prevalent in Calcutta or not. I may at once state here that I am not prepared to act in a matter of this kind by taking the advice of men like those who come from the mufassal. What do they know of what is going on in Calcutta? If my friend, Mr. Mallik, had told me about this, I would have taken his advice lying down, but on the question whether solicitation should be prevented or not I shall certainly not be advised by those gentlemen who come from the mufassal.

Mr. SYED NASIM ALI: I rise to oppose the amendment of Mr. Villiers. It must be conceded that if solicitation in Calcutta has reached such a stage that it has become a scandal, and that it is practically sapping away the very foundation of the morality of our young people, it is absolutely necessary that this clause should be retained.

It is a question of fact, and I think those who live in Calcutta and who have experience of the streets of Calcutta, especially the northern part, will agree with me that solicitation has practically become a nuisance. The result of this solicitation is that a large number of young men, especially students, are falling victims to this solicitation every day, and many young men are being ruined. It is absolutely high time that a vigorous attempt should be made to do away with the evil, or at least to check the growth of this nuisance. Rai Dr. Haridhan Dutt Bahadur has correctly pointed out the real state of affairs in Calcutta, and I think the present law is not at all sufficient to cope with the situation. It is absolutely necessary that some measure must be adopted just as has been done in Burma Act II of 1921 to meet a situation like this. Perhaps it is known to many of us that with the passing of the Burma Act, Rangoon has improved very materially in this direction. Therefore, the arguments of those who seem to think that by legislation you cannot improve morality would be met by actual facts and figures from Rangoon. It is absolutely necessary at the present stage that a serious effort should be made to eradicate this evil. I do not for a moment suggest that this legislation would be quite sufficient to eradicate this evil for all time to come, but it is quite clear that the time has now come that some measures must be adopted in order to eradicate this evil. We must make a real attempt, and I think the provisions of this Bill are not so strict as they should have been. The nuisance is growing to such an enormous extent that I would suggest even more drastic measures for evils like this. Therefore I strongly oppose the motion of Mr. Villiers.

Babu DEBI PROSAD KHAITAN: I am rather surprised to find that Mr. Villiers has found even the slightest support in favour of his amendment at the hands of any Indian friend of mine. The evil of solicitation has to some extent been described by my friend Dr. Haridhan Dutt. If any person passes through Chitpore Road it is not at all difficult for him to find out the serious extent to which solicitation has grown in Calcutta. It is quite obvious that prostitutes living in Chitpore Road sit in their verandahs and use all manner of gestures and other kinds of signs to attract people to visit their houses. It is really disgraceful that solicitation is not confined to prostitutes alone, but in some parts of Calcutta you will find that solicitation is practised by men, though not of the respectable class. In some streets of Calcutta it has been found on complaints made to the Commissioner of Police that respectable ladies passing by these streets have been solicited by goondas and other ruffians living in these streets. They have applied the law to women soliciting; is it to

be presumed that goondas and other ruffians should be allowed to solicit respectable or any kind of ladies or women, who pass these streets? There is also another evil that has got to be suppressed. Some members have said that if this section be passed, it would place much power in the hands of the police, and that the present law is sufficient. Although I am aware that my friend, Rai Nibaran Chandra Das Gupta Bahadur, is a lawyer, I fear he had not looked into the existing law before he said that it was sufficient. If a lady passing through a street is solicited by another man, is it possible for that lady to lodge a complaint against him to any police officer?

Rai NIBARAN CHANDRA DAS GUPTA Bahadur: Does this come under the section?

Babu DEBI PROSAD KHAITAN: Of course it does. My friend has not even read the section and yet he has supported the amendment of Mr. Villiers. The clause in the Act says:—

"Whoever in any street or public place or within sight of and in such manner as to be seen from any street or public place, endeavours to attract attention for the purpose of prostitution or for such purpose solicits or abets the solicitation of any person, shall be punished with fine which may extend to one hundred rupees, or with imprisonment for a term which may extend to one month, or with both, and if such person is again convicted after three previous convictions for the same offence, he shall be punished with imprisonment for a term which may extend to six months."

The English that has been taught to me says that "person" is common gender, whether male or female. If some other grammar has taught Rai Nibaran Chandra Das Gupta Bahadur English, I do not know; but whether he thinks it is a man or a woman who solicits, it clearly comes under the purview of the Act.

Although so much obstructive presumption has been made that this law places much power in the hands of the police, no constructive suggestion has been made by any member of this House as to what should be done to prevent the evil already grown up, and which is still increasing in the heart of the city. This city is inhabited by a large number of persons of both genders coming from different parts of the Province, and it is they who have got to be protected from evil influences as far as possible by the law. In these circumstances I hope this House will not refuse to enact clause 4 of this Bill and will welcome it as a great deterrent in order to improve the morality of the city.

Babu SURENDRA NATH MALLIK: I heartily congratulate Mr. Villiers for his very able speech in support of his point, but I am sorry to say that I entirely disagree with him both in his facts and in his proposals. I am afraid there is a little mistake which is the basis of all the fallacies in his arguments. He thinks that interference with liberty and interference with a libertine is one and the same thing. That is his fundamental mistake, and starting from that mistake he has come forward

with a resolution, the effects of which I say will be deplorable. My friend, Mr. Villiers, is well known as a man who soars very high; he has a great deal of family spiritual tradition behind him, but for him to stand here and say that we wish to perpetuate solicitation——

Mr. F. E. E. VILLIERS: I rise to a point of order. I said no such thing. All I said was that we are as much responsible for solicitation as the women, and as such it is up to us to see that whatever legislation is put in force should apply equally to men as well as to women. There is the existing law to control this, and if men are too lazy and do not wish to take the trouble to make complaints, they are equally to blame.

Babu SURENDRA NATH MALLIK: I stand corrected. I thought he said much more than that, but he and I agree that there is a good deal of solicitation in Calcutta.

Mr. F. E. E. VILLIERS: No. I said there is a certain amount of solicitation in Calcutta.

Babu SURENDRA NATH MALLIK: He admits that there is solicitation; it does not make much difference whether there is much or a little——

Mr. PRESIDENT: Mr Mallik. I think you had better give up your attempt to try to agree with Mr. Villiers. (Laughter.)

Babu SURENDRA NATH MALLIK: Then the second point is whether solicitation is a serious matter or not. He thinks that it is not a very serious matter, but I say it is a very serious matter to my own community. My friend has said that Europeans come to Calcutta with their characters well-formed—I do not know much about Europeans or Anglo-Indians—it may or may not be so; I do not know much of their characters, but I know my own community well and knowing that I must ask my countrymen to vote for the retention of this clause and see that solicitation is put a stop to. Calcutta is a town with many schools and colleges, and I must ask my friends from the mufassal who send their children to Calcutta for education also to vote for this clause. I do not accept the view of my friend, Rai Dr. Haridhan Dutt Bahadur. It is not a matter for Calcutta people alone. In this matter I crave the assistance and co-operation of the mufassal members of this House because these young men who fall victims to this solicitation are largely young men from the mufassal who live here away from their guardians. It is for them to consider whether this law should be enacted or not. It does not matter what the Europeans or the Anglo-Indians think or say in this matter; their number is not very large. The position is this: can we Indians afford to overlook this solicitation? There is hardly any place in Calcutta where there is no solicitation so far as the Indian portions are concerned; this is going on in almost every part of Indian

Calcutta. The other alternatives are first of all to segregate these bad women send them to some part of the town, far away from the heart of the city, where they will not be such a danger. But, pray, where are you to send them? You will have to find a place far away from schools and colleges. If you put them in narrow lanes and streets, to my mind it will be far more dangerous. I would rather have prostitutes in broad open streets than in narrow lanes, where solicitation is easier. In that view, I say that mere removal of prostitutes inside narrow lanes, etc., is not advisable. I therefore submit to this House that it our bounden duty to accept this clause, and set our face against solicitation.

Mr. Villiers has put forward another objection, viz., freedom of gesture; he calls solicitation freedom of gesture——

Mr. F. E. E. VILLIERS: I did not say anything of the sort. If my friend will refresh his very keen memory he will recollect that I did not say anything of the sort.

Babu SURENDRA NATH MALLIK: However, freedom of gesture is the language that he used. There is nothing more dangerous than freedom of gesture. Is this to be permited? How far are we to tolerate this freedom of gesture? We all live and move in society and we have got to live up to a certain standard, and we cannot permit these things to go too far. Freedom of gesture, forsooth! We would like to control even their mode of dressing. We cannot permit womenfolk too much freedom in dress even to dress as they like. Then you say that this places too much power in the hands of the police; the police take power whether it is given to them or not. Take the case of the poor bullock cart driver; he is arrested, taken to the thana, his whole day is lost and it often happens that when he is put before the magistrate he is acquitted. You have got to give some power to the police. Therefore, the Bill says that you have got to give this power to selected men, men selected for this purpose by the Commissioner of Police, both Indians and Europeans. My friend raised this point with considerable force in the Select Committee. Under certain circumstances persons who do not belong to a particular community may very well make mistakes as regards gestures and familiarity; I quite appreciate that part of the argument. That is the reason why I said sergeants could do this work in European quarters, and sub-inspectors in Indian quarters, so that there may be no mistake. We do not want to interfere with a young lady who wants to take a walk with her male friend on the streets or the Maidan. To say that the police might make a mistake and arrest her; that will be too much. That cannot be the ground for throwing out this excellent suggestion of my friend, Professor Mukherji, regarding solicitation and to put a stop to that. As regards the observation of my esteemed and hon'ble friend, Mr. Stephenson, that these short-time imprisonments of women are a source of great trouble, I want to point out that Government per-

sisted in short-time imprisonments in the case of our young men, in spite of our repeated protests. However, discretion is given to the Magistrates and this power is to be exercised by magistrates of the first class. Therefore, to my mind, this provision is one which we should all support. I would ask my friends from the mufassal to help us in attaining this object, for after all it is their children who come to Calcutta for their education, and particular care should be taken of them. Objectionable freedom of gesture and all that must be put a stop to. If the Act has got to be passed, then this provision has also got to be passed. Otherwise throw the whole thing out. No one is likely to go voluntarily to a police station to lodge a complaint in a matter like this. Suppose I go with my son or younger brother along a public street and a woman makes gestures, should I go to the police station to lodge a complaint? There are a thousand reasons why I should not do so. If there is such a provision people will be saved from persecution in the hands of women of such character. Directly you strike at solicitation, you strike at the root of prostitution. In the very last days of this Council you cannot do anything better for yourself or for your community. If you accept this clause you can tell your friends that at least you have done something good for the country.

Mr. W. L. CAREY: This is no new subject. I suppose this subject was before every city and before every civilized community for hundreds of years, and I think that we have many examples before us of what is the best way to deal with it as regards provision to interfere and arrest in cases of annoyance and solicitation. I have not heard Mr. Villiers' speech but I am perfectly certain of one thing that, as with all of us who claim to be decent thinking people, we are none of us in favour of permitting solicitation free and untrammelled. I do not believe that is Mr. Villiers' opinion either in spite of his amendment. We know probably that what Mr. S. N. Mallik has said is quite true. The youths from the mufassal who come here are undoubtedly detrimentally affected to some extent. I think in the other parts of the town it is probably not so bad; but that does not, I think, justify us in not taking the necessary measures to protect interference and persecution from another direction, that is from the junior members of the police. I do not suggest for a moment that the police here are any worse than in other countries in that direction. But I do say that there is this danger and it is up to all calm and clear thinking people to try and prevent that danger. That I believe is the real basis and object of the amendment which we are considering. The law as it exists in other civilized countries is that arrest may not be made of anybody merely for the police imagining that he has heard a remark or seen gestures, but definite information must be laid. I think that is the constructive plan which Mr. Khaitan is looking for. It is essential that personal feelings such as Mr. Mallik has spoken of to-day, should be put aside; it is essential that any one who wishes to assist in keeping the streets clean and free of these particular nuisances should, if he is accosted,

not think of what his own feelings in the matter are, but what his duty is as a public citizen, and he should go and lay information where he can prove it. There I think you have the constructive policy. But I do not think we should be wise in allowing clause 4 to go through. I do foresee great danger. In every section of the town there is the possibility of ruined characters from malice or for a desire for *bakshis* and we must, I think, consider that in the case of a woman of whatever creed or nationality, she suffers much more by having a complaint made against her, even if afterwards she is proved to be innocent. These, I believe, are the grounds on which we should really act. We need not fear, for if everybody under the Act could be induced to take even a small part of his duty, that would be sufficient protection. For these reasons I beg to support the amendment.

Maulvi YAQUINUDDIN AHMED: I support the amendment of Mr. Villiers. I think prostitution is a necessary evil in all great cities, but it ought to be well regulated. That is the reason why this Bill has been introduced, but the provision that is made in clause 4 of the Bill is, I think, bad. Solicitation is a word which requires definition. Solicitation from up a verandah I think is a kind of solicitation which one moral man may consider one way and another in another way. From what Mr. Villiers has said, freedom of gesture is, I think, a thing which ought to be well considered. It is not what my friend Mr. Mallik, has said a war against the libertine, but it is a war against liberty, if freedom of gesture is interfered with in any way. There are places where prostitutes live and if there is any moral man, he would not go with his daughter and wife by that road in order to see those unsightly things. My friend, Rai Dr. Haridhan Dutt Bahadur, has said that he has to go by those roads with his wife and daughter. I think a moral man need not do so if he knows perfectly well that the quarters are inhabited by prostitutes. Therefore, Sir, I beg to submit that the word "solicitation" ought to be well defined before we can work upon it and if solicitation in the way in which it is interpreted just now—women up a verandah beckoning or doing something in some way or other—is included in this section, I think a very dangerous instrument is going to be given in the hands of the police. If such gestures or any other action that is made by a woman up in a verandah are to be punishable under this Act, it is only giving an instrument in the hands of the police officers to exact more money. I therefore say that it would be like the Excise Department where whatever restriction you might put, excise revenue will go on increasing for ever. In the same way solicitation and other things will go on as merrily as ever, but only give a new instrument in the hands of the police to exact money and nothing more. Therefore, I strongly support the amendment moved by my friend, Mr. Villiers.

Mr. PRESIDENT: I should like to point out to the Council that there are some 142 amendments on the paper. The last debate has been

productive of much needless repetition. Hon'ble members will please try and remember that such repetitions do not add to the strength of the arguments already advanced.

Professor S. C. MUKHERJI: I wish to place before the House just a few facts. I did not realize that this clause was going to generate so much heat. This provision finds a place in the Burma Act. Only last week in the Bombay Legislative Council this very provision was incorporated in the Bombay Prostitution Bill. I have not got the exact wording before me, but I have seen the newspaper report and I find the wording is practically the same. It is a fact which cannot be controverted that solicitation is a growing evil in this metropolitan city. I am told that every soldier from the Fort before he can get to the Ronaldshay Hut or before he gets to Chowringhee is accosted at least three or four times by women—hopelessly shameless and hopelessly diseased—and the military authorities of the Fort are getting nervous about this business. That solicitation is a growing evil in European parts of the town goes without contradiction, because my information is from a European Missionary who has made a special study of the subject and who has gone very carefully into it. That solicitation is growing apace in the Indian section of the town goes without contradiction and hundreds and thousands of our young men who are studying in our Calcutta colleges are the unfortunate victims of this solicitation. I do not think there is any difference of opinion so far as the evil goes; the real trouble begins with the second clause. It is the power that is being given to the police which has sent a thrill of terror into the hearts of some of the members of this Council. In fact, it is a revelation to me. I was fully aware that the Indians were nervous about the police, they are always afraid of giving more power to the police, but I did not realize that there was so much nervousness amongst the European community about the matter. There lies the real crux of the question. It is the second clause that really determines our attitude. The danger is because so much power is being given to the police—to the sub-inspector or to the sergeant—that he can arrest without warrant under certain circumstances. Everyone admits that solicitation is bad, that it does a great deal of harm and that it should be suppressed if it can be suppressed. Under these circumstances I feel that the whole clause ought not to be thrown out but that the clause ought to be so amended as to give less power to the police and thus safeguarding the liberty of the people. Mr. Villiers is very anxious that there must not be curtailment of individual liberty or that the police must not be given a power which they might use as an engine of oppression to harass or molest innocent and decent ladies. In these circumstances I feel that I must oppose the amendment of Mr. Villiers, because I feel that it would be a thousand pities if the whole clause is thrown out. But at the same time after hearing all the discussion I think that the clause ought to be so amended as to safeguard the liberty of the people.

The Hon'ble Mr. H. L. STEPHENSON: With regard to Professor Mukherji's speech the attitude of Government is quite clear and I have given an indication of that in my speech before. The attitude of Government is that if you are going to have a section of this kind against solicitation you must leave it as it stands in the Bill. Nothing less will be of any use. If Professor Mukherji's idea is to modify this clause, I would strongly oppose him.

The motion was then put and a division taken with the following result:—

AYES.

Addy, Babu Amulya Dhone.
Afzal, Nawabzada K. M., Khan Bahadur.
Ahmed, Maulvi Azaharuddin.
Ahmed, Maulvi Yakubuddin.
Ahmed, Munshi Jafar.
Ali, Munshi Ayub.
Banerjea, the Hon'ble Sir Surendra Nath.
Barma, Rai Sahib Panchanan.
Carey, Mr. W. L.
Chaudhuri, Maulvi Shah Muhammad.
Chaudhuri, Rai Harendranath.
Cooper, Mr Charles C.
Crawford, Mr T. C.
Das Gupta, Rai Bahadur Nibaran Chandra.
De, Mr. K. C.
Dey, Mr. C. C.
Donald, the Hon'ble Mr. J.
Donovan, Mr. J. T.
Doss, Rai Bahadur Pyari Lal.
Dutta, Babu Annada Charan.
Forrester, Mr. J. Campbell.
Ghose, Mr. D. C.
Goode, Mr. S. W.
Hornell, Mr. W. W.
Huntingford, Mr. G. T.
Khan Chaudhuri, Khan Bahadur Maulvi Muhammad Ershad Ali.
Law, Raja Reshee Case.
Maharajadhiraja Bahadur of Burdwan, the Hon'ble the.
Marr, Mr. A.
McAlpin, Mr. M. C.
McCay, Lt.-Col. David.
Mitra, Rai Bahadur Mahendra Chandra.
Mitter, the Hon'ble Mr. P. C.
Mukherjee, Babu Nitya Dhon.
Mullick, Babu Nirode Behary.
Philip, Mr. J. Y.
Raheem, Mr. Abdur.
Rahim, the Hon'ble Sir Abd-ur-.
Raikat, Mr. Prasanna Deb.
Ray, Babu Bhabendra Chandra.
Ray, Babu Surendra Nath.
Robertson, Mr. F. W.
Rose, Mr. C. F.
Roy, Babu Jogendra Nath.
Roy, Maharaja Bahadur Kshaunish Chandra
Roy, Mr. Bijoyprosad Singh.
Roy, Mr. J. N.
Salam, Khan Bahadur Maulvi Abdus.
Sarkar, Babu Jogesh Chandra.
Skinner, Mr. H. E.
Suhrawardy, Dr. A.
Suhrawardy, Mr. Huseyn Shaheed.
Travers, Mr. W. L.
Villiers, Mr. F. E. E.

NOES.

Ahmed, Khan Bahadur Maulvi Wasimuddin.
Ahmed, Maulvi Rafi Uddin.
Ali, Mr. Syed Nasim.
Ali, Munshi Amir.
Azam, Khan Bahadur Khwaja Mohamed.
Banerjea, Dr. Pramathanath.
Basu, Babu Jatindra Nath.
Bhattacharji, Babu Hem Chandra.
Bose, Mr. S. M.
Chaudhuri, Babu Tankanath.
Chowdhury, Maulvi Fazial Karim.
Das, Mr. S. R.
De, Rai Bahadur Panindralal.
Dutta, Babu Indu Bhushan.
Hussain, Maulvi Mahammed Madassur.
Karim, Maulvi Fazial.
Khan, Babu Debendra Lal.
Khan, Maulvi Hamid-ud-din.
Khan, Maulvi Md. Rafique Uddin.
Khan, Mr. Razaur Rahman.
Makramali, Munshi.
Mallik, Babu Surendra Nath.
Mukerjee, Mr. S. C.
Mukharji, Babu Satish Chandra.
Mukherji, Professor S. C.
Nasker, Babu Hem Chandra.
Pahlowan, Maulvi Md. Abdul Jabbar.
Rauf, Maulvi Shah Abdur.
Ray, Kumar Shib Shekhareswar.
Sinha, Babu Surendra Narayan.
Suhrawardy, Major Hassan.

The Ayes being 54 and the Noes 31, the motion was carried.

The following amendments to clause 4 were not put as they failed:—

Kumar SHIB SHEKHARESWAR RAY: " That in clause 4(*1*), line 1, after the word ' Whoever ' the words ' for the purpose of prostitution ' be inserted."

Babu ANNADA CHARAN DUTTA: " That in clause 4(*1*), lines 1 and 2, for the words ' or within sight of, and ' the words ' or from any place ' be substituted."

Babu AMULYA DHONE ADDY: " That in clause 4(*1*), lines 1, 2 and 3, the words ' or within sight of, and in such manner as to be seen from any street or public place ' be omitted."

Rai UPENDRA LAL RAY Bahadur: " That in clause 4(*1*), line 3, after the word ' endeavours ' the words ' by over act or otherwise ' be inserted."

Babu ANNADA CHARAN DUTTA: " That in clause 4(*1*), line 3, for the word ' endeavours ' the words ' does any overt act by word, gesture, sign or the like in order ' be substituted."

Kumar SHIB SHEKHARESWAR RAY and Rai MAHENDRA CHANDRA MITRA Bahadur: " That in clause 4(*1*), lines 3, 4 and 5, the words " endeavours to attract attention for the purpose of prostitution, or for such purpose ' be omitted."

Babu ANNADA CHARAN DUTTA: " That in clause 4(*1*), line 5, the words ' or abets the solicitation of ' be omitted."

Rai NIBARAN CHANDRA DAS GUPTA Bahadur: " That in clause 4(*1*), line 5, after the word ' solicitation ' the words ' herself or through any other person ' be inserted."

Kumar SHIB SHEKHARESWAR RAY: " That in clause 4(*1*), line 6, after the word ' person ' the words ' to the annoyance of the person solicited or of any two or more of the inhabitants or passers-by " be inserted."

Rai HARENDRANATH CHAUDHURI: " That in clause 4(*1*), line 6, after the word ' shall ' the words ' for a first offence ' be inserted."

SHAH SYED EMDADUL HAQ: " That in clause 4(*1*)—

(*i*) in line 7, for the words ' one hundred ' the words ' two hundred ' be substituted; and

(*ii*) in line 8, for the words ' one month ' the words ' two months' be substituted."

Babu ANNADA CHARAN DUTTA: " That at the end of clause 4(*1*), the words ' or with fine which may extend to five hundred rupees or with both ' be added."

SHAH SYED EMDADUL HAQ: " That at the end of clause 4(*1*) the following be added, namely:—

' and if any person is convicted of such offence for more than four times he shall be punished with imprisonment for a term of six months and shall not be allowed to live in Calcutta.'"

Rai HARENDRANATH CHAUDHURI and Babu AMULYA DHONE ADDY: " That in clause 4(*2*), line 2, the words ' or Sergeant ' be omitted."

SHAH SYED EMDADUL HAQ: " That in clause 4(*2*), line 5, the word ' sub ' be omitted."

Rai MAHENDRA CHANDRA MITRA Bahadur: " That in clause 4(*2*), line 4, after the word ' may ' the words ' on the complaint of any person ' be inserted."

Babu AMULYA DHONE ADDY to move that in clause 4(*2*), line 4, after the word " may " the words " on the complaint of the person offended " be inserted.

Rai HARENDRANATH CHAUDHURI: " That in clause 4(*2*), line 4, after the word ' may ' the words ' on the complaint of the person solicited ' be inserted."

Kumar SHIB SHEKHARESWAR RAY: " That at the end of clause 4(*2*), the words ' if the name and address of such person be unknown to him and cannot be ascertained by him then and there " be added."

Babu ANNADA CHARAN DUTTA: " That at the end of clause 4(*2*), the words ' after recording in writing the information according to the provisions of 154 of the Code of Criminal Procedure, 1898,' be added."

Rai HARENDRANATH CHAUDHURI: " That to clause 4 the following be added, namely:—

' (*3*) In any case in which a person is convicted of an offence punishable under sub-section (*1*), and no previous conviction is proved against him, the Court may, instead of sentencing him at once to any punishment, direct that he be released on his entering into a bond for his good behaviour, with or without sureties, and during such period (not exceeding one year) as the Court may direct.' "

Mr. PRESIDENT: As we have now disposed of the question of solicitation, I shall now put clause 2 to the Council. The question is that clause 2 stand part of the Bill.

The motion was put and agreed to.

The following motion of Rai Mahendra Chandra Mitra Bahadur was not put as it was covered by the previous decision of the Council for the omission of all references to solicitation in the Bill.

" That after clause 2(*d*) the following be added, namely:—

' (*5*) a person solicits another person who endeavours to attract the attention of such person by words, gestures, wilful and indecent exposure of person or otherwise for the purpose of prostitution.' "

CLAUSE 5.

Mr. PRESIDENT: The question is that clause 5 stand part of the Bill.

Babu ANNADA CHARAN DUTTA: I move that in clause 5(*1*) line 21, after the word " place " the words " or all of them " be inserted.

My simple object is that notice should be served on all persons: you should not do anything against any person without giving him a proper notice: this is the reason why I would like to insert the words " or all of them " after the word " place " in clause 5(*1*), line 21, and if my proposal is accepted, my amendment will no doubt facilitate the working of the section.

Professor S. C. MUKHERJI: I am prepared to accept it.

The motion of Babu Annada Charan Dutta was then put and agreed to.

Rai MAHENDRA CHANDRA MITRA Bahadur: I move that in clause 5(*1*) (*a*), line 1, the words " or disorderly house " be omitted.

My reason is this. There is no definition of the words " disorderly house " and consequently this ought to be omitted. Any house may be viewed as a disorderly house and as such there might be some difficulty in carrying out the provisions of the law and the object in view will be defeated. If the legislator is not in a position to define the words " disorderly house," it would be judicious to omit this altogether so that the parties concerned may not be put to difficulty. I therefore trust the House will accept my amendment.

The Hon'ble Mr. H. L. STEPHENSON: The Rai Bahadur says that there may be some difficulty in deciding what a " disorderly house " is in the absence of a definition. I think the plain answer to this is that

this section as it stands has been the law for the last 40 or 50 years and there has never been any difficulty in interpreting the words " disorderly house." Therefore I think the hon'ble member will see that the difficulty he foresees is not likely to arise.

The motion of Rai Mahendra Chandra Mitra Bahadur was then, by leave of the Council, withdrawn.

The following motion was, in the absence of the member, deemed to be withdrawn:—

Khan Bahadur Maulvi WASIMUDDIN AHMED: " That clause 5(*1*) (*a*), line 3, the word ' common ' be omitted."

SHAH SYED EMDADUL HAQ moved that in clause 5(*1*) (*a*), line 6, for the words " place of public worship or recreation " the words " public mosque, temple or *debalaya* or other place of public worship or any place of public recreation " be substituted."

He spoke in the vernacular in support of this motion.

Professor S. C. MUKHERJI: I oppose the motion moved by Shah Sahib. In clause 5(*1*)(*a*), line 6, the words " place of public worship or recreation " as they now stand are so explicit as to cover the same ground and meet the requirements which my hon'ble friend Shah Sahib has in view.

The motion was then, by leave, of the Council, withdrawn.

Babu ANNADA CHARAN DUTTA: I move that at the end of clause 5(*1*)(*d*) the following be added, namely:—

> " He shall record the same or cause it to be recorded in writing following the procedure set forth in section 154 of the Code of Criminal Procedure, 1898, and then."

My amendment requires an explanation. The idea is simply to keep on record the information which the Police Commissioner received and upon which he acts. The Police Commissioner is a busy officer and there may be a number of informations and in a case like this and where it is necessary and proper to proceed, it is desirable that there should be some initial record of the information that he gets. If you look to the analogous section of the Criminal Procedure Code you will find that the information upon which preventive measures are taken under section 145, etc., there also the information has got to be recorded in writing and a very good procedure has been laid down under section 145 of the Criminal Procedure Code.

This clause refers to the removal of certain undesirable things from a particular locality so this will not strike at the root of the main provisions of the Bill. At the same time there will be no grounds for

complaint by the aggrieved person that the Police Commissioner proceeded arbitrarily upon unsatisfactory information. On the one hand, it will give satisfaction to all parties concerned, on the other hand it will be kept in a record of information and there will be no delay or extra expenditure in this matter. The Police Commissioner may record the information himself or he may ask any of his employees to do so.

Mr. H. P. DUVAL: I do not know whether the hon'ble member is aware that section 154 of the Criminal Procedure Code has no application to Calcutta at all and it seems to me perfectly unnecessary to introduce the formalities of that section into this Bill. The Commissioner of Police will naturally have to keep a record of informations which he receives usually in writing and he cannot issue a notice without having certain information on which to issue it. What the mover wishes to do is to have the first information recorded as is done in the case of a cognisable offence under section 154 of the Criminal Procedure Code by an officer at a police station. As I say, the Commissioner of Police must have some record of his proceedings before he issues his notices and you will see later on that he will also have to keep a register of places in respect of which such orders are issued. All the formalities of this section which does not apply to Calcutta appear therefore to me unnecessary here.

Babu ANNADA CHARAN DUTTA: On a point of explanation, Sir. If I exclude the words " following the procedure set forth in section 154 of the Code of Criminal Procedure, 1898," from my amendment, will it be acceptable to the hon'ble member?

Mr. H. P. DUVAL: I do not think that there is any necessity for the amendment because as I have said the Commissioner of Police must record something before he issues a notice. Therefore the amendment seems to me to be superfluous.

The motion was then put and lost.

Rai HARENDRANATH CHAUDHURI: I move that in clause 5(*1*), line 19, after the words " he may " the words " after due inquiry " be inserted.

The object of this amendment is obvious. When taking action under this clause due care ought to be taken and an inquiry ought to be made before issuing any notice. That is the whole object of my amendment.

Professor S. C. MUKHERJI: I oppose it on the ground that it is unnecessary. If the hon'ble member will read the clause very carefully he will find that the notice that will be issued will contain all the grounds of the order. The Commissioner of Police cannot pass an order

without a proper inquiry. He must have all the relevant facts before he can issue a notice in which all the grounds must be properly stated.

The motion was then put and lost.

Raja RESHEE CASE LAW: I move—

(*i*) that in clause 5(*1*), lines 19 and 20, for the words "owner, lessor, manager or occupier" the words "person in possession" be substituted;

(*ii*) that in clause 5(*2*), line 7, for the words "in writing on such owner, lessor, manager or occupier" the words "in writing served on such person in possession" be substituted; and

(*iii*) that in clause 5(*4*), lines 8 and 9, for the words "owner, lessor, manager or occupier" the words "person in possession" be substituted.

The object of my amendments is to apply the remedy to the real culprit and at the same time to avoid the risk of causing needless trouble and harassment to innocent persons. A tenant leasing a house does not give out the purpose for which he takes it, and if he after taking the house uses it for a purpose prohibited by this Bill, it would be very unjust to trouble the owner for the act of his tenant which he has no power to control. I think the purpose of the Bill would be better served if all processes be directed against the person in possession and all penal measures under the Bill set in motion against him. I need hardly point out that my amendment, if accepted, would make the clause more effective.

Professor S. C. MUKHERJI: I oppose these amendments. I think the Raja Sahib has moved all his three amendments together because the underlying contention is the same in all three. The purpose of the Bill is to give the landlord information at the very outset that any house belonging to him is being used in such and such manner. It is only proper and fair that the landlord should have the information at the very outset. Sir, it is a matter of deepest regret to me that there are many houses in Calcutta belonging to highly respectable landlords which are being used as brothels and it is high time that Calcutta landlords should realise the gravity of the situation. In order to be perfectly fair to these gentlemen the Bill contemplates that they should have from the very first notice of information.

The Hon'ble Mr. H. L. STEPHENSON: The difficulty under the present law is that you can only deal with the tenant in possession. The result is that when you declare a house to be a brothel you cannot touch the landlord and all he has to do is to change his tenant and the house goes on being used as a brothel in somebody else's name.

It is the whole purpose of the Bill to get at everybody concerned with these houses and the Bill has been drawn up for that purpose so

as to include not only the tenant but everybody else owner, lessor, manager or occupier. As Professor Mukherji has pointed out, it is only right and fair that the landlord should be informed at the beginning that his house is being used as a brothel and that it is proposed to stop it. If you exempt landlords or other people from the operation of this clause then the result will be to defeat the object of this Bill.

The motions were then separately put and lost.

Rai HARENDRANATH CHAUDHURI: I move that in clause 5(*1*), line 20, for the word 'lessor' the word 'lessee' be substituted.

My idea is this. The word lessor conveys the idea that the *seisin* or possession has passed to another person. There can be no point therefore in mentioning one who is not in possession and who cannot be responsible for the misuse of a house or tenement. Moreover, we find in sub-clause (*8*) of this clause, that the lessee, tenant or occupier is the person on whom the notice for the discontinuance of the objectionable use of a house is to be served. Therefore I think the word "lessee' should be substituted for the word "lessor."

Professor S. C. MUKHERJI: I oppose this amendment because there may be cases in which the lessor may leave the house in charge of a manager.

The motion was then put and lost.

The following motions being consequential were not put as they were covered by the foregoing decision:—

Rai HARENDRANATH CHAUDHURI: "That in clause 5(*2*), line 7, for the word 'lessor' the word 'lessee' be substituted."

Rai HARENDRANATH CHAUDHURI: "That in clause 5(*4*), line 8, for the word 'lessor' the word 'lessee' be substituted."

Rai HARENDRANATH CHAUDHURI: I move that in clause 5(*1*), line 20, after the word 'manager' the word 'tenant' be inserted."

I think the word "tenant" is a very comprehensive word and hence it should be inserted after the word "manager."

Professor S. C. MUKHERJI: I am going to accept Rai Mahendra Chandra Mitra Bahadur's next amendment which is more comprehensive and covers this amendment. I think that will satisfy the mover.

The motion was then, by leave of the Council, withdrawn.

Rai MAHENDRA CHANDRA MITRA Bahadur: I move that in clause 5(*1*), line 20, after the word "manager" the words "lessee, tenant" be inserted.

The motion was put and agreed to.

The following motion was, in the absence of the member, deemed to be withdrawn:—

SHAH SYED EMDADUL HAQ: "That in clause 5, lines 21 and 22, the words 'either in person and or by agent' be omitted."

Rai MAHENDRA CHANDRA MITRA Bahadur: I move that at the end of clause 5(*1*) the following be added, namely:—

"Such notice to be served in the first instance on the manager or the lessee or tenant or occupier."

The object of my motion is this. If there are absentee landlords the notice should first be served on the occupier, tenant, lessee or manager. So far as the clause is concerned the notice is to be served on the owner or manager or lessee or occupier. Now the word "or" is disjunctive. Therefore, my contention is, that in the first instance the notice is to be served upon occupier or the tenant or on the manager. If the notice is given upon all the parties simultaneously it will serve the purpose. My idea is that notices should not be served in the first instance only on the owner or lessor, etc.

Professor S. C. MUKHERJI: I oppose it. I have already explained that it is only fair that the owner should have notice at the very beginning in order that he may know how things stand in the first instance.

The motion was then put and lost.

Raja RESHEE CASE LAW: I move that to clause 5(*1*) the follow- be added, namely:—

"*Explanation.*—A house, place or room shall be deemed to be in the vicinity of another house, place or room when it is within two hundred feet of such house, place or room."

The object of this amendment is to remove the ambiguity of the word "vicinity" used in some of the clauses. The word is very vague and undefined. It is desirable that the word should be defined clearly to enable the public to have a definite idea of their position so far as this Statute is concerned. I have fixed 200 feet as the distance, in consideration of the fact that this is the proper distance in a thickly populated town like Calcutta, but if the hon'ble member in charge of the Bill thinks the distance too short he may fix it definitely what he considers just and proper.

Babu ANNADA CHARAN DUTTA: I oppose this motion. The word "vicinity" is a relative term. If a place is 100 feet off, it may not be exactly in the vicinity if it is partitioned by certain big obstructions, whereas a place even further off than 100 feet may be in the vicinity in the absence of such partitions. So, that is a term which ought to be left to the discretion of the authorities. I would leave it to them to

decide what should be considered by the word "vicinity" and there should not be any attempt at a definition. So, I oppose the amendment.

Professor S. C. MUKHERJI: I oppose the amendment on the ground that it is quite unnecessary.

The motion was put and lost.

Rai HARENDRANATH CHAUDHURI: I move that for the first four lines of clause 5 (*2*) the following be substituted, namely:—

> "If, on the date fixed, or on any subsequent dated to which the hearing may be adjourned, the person on whom a notice is served under sub-section (*1*) does not appear or show any cause and if the Commissioner of Police is satisfied, after making such further inquiry as he deems fit, that the house, room or place."

The idea underlying this amendment and some of the subsequent amendments is this. I want to differentiate those cases in which the persons who have been served with notice do not appear and show cause and those cases where persons served with notice appear and show cause, that is, between *ex parte* cases and contested cases. And in cases where persons served with notice appear and show cause, my proposal is that the Commissioner of Police should not proceed with the further hearing of those cases but commit them for trial to the Presidency Magistrate. However, these amendments are coming up for consideration later on. In view of this underlying idea, I propose this amendment.

The Hon'ble Mr. H. L. STEPHENSON: I strongly oppose this amendment. It is a matter of opinion whether this action should be taken by the Presidency Magistrate or by the Commissioner of Police, whether it should be a judicial trial or whether it should be an executive action. If it is going to be a judicial trial, then I think we are pretty safe in saying that the law is going to be a dead letter. The Commissioner of Police is not going to commit cases for trial by the Presidency Magistrate. If the police have to take their cases up to the Presidency Magistrate and prosecute before him, they simply have not got the time to do it. They have other work to do. The result will be that private individuals will have to take up these cases before the Presidency Magistrate. If they do not do it, the law will not be used. There is to my mind a very great danger in allowing private individuals to run a case of this kind before the Presidency Magistrate and that will be opening the door to a great deal of abuse. If you leave it to the Commissioner of Police, you have got one man responsible for it. If you allow any private individual to go up to the Presidency Magistrate and say "here is a brothel and I want you to stop it," you are going to open the door to a great deal of blackmail.

It may be argued that this is a power which ought to go to the Presidency Magistrate. I merely warn the House that if it does go to the Presidency Magistrate, the power will not be used. But this amendment I oppose distinctly on the ground that you must have either the one or the other. You cannot have the Commissioner of Police dealing with the case in the first instance and then somebody else taking it up if the case is contested while providing that as regards *ex parte* cases the Commissioner can deal with them himself. What will happen if a person were to say that he did not get the notice and so he could not show cause? Is the Presidency Magistrate going to reopen the case? I consider that Government will not be willing to let the Commissioner be placed in this position. Therefore I oppose this amendment.

The motion was put and lost.

Professor S. C. MUKHERJI: I may say that we are going to accept the amendment standing in the name of Rai Mahendra Chandra Mitra Bahadur which covers the amendment of Rai Harendranath Chaudhuri.

The following motion was then, by leave of the Council, withdrawn:—

Rai HARENDRANATH CHAUDHURI: "That in clause 5(*2*), line 7, after the word 'manager' the word 'tenant' be inserted."

The following motion standing in the name of Rai Mahendra Chandra Mitra Bahadur was put and agreed to:—

"That in clause 5(*2*) line 7, after the word manager, the words 'lessee, tenant' be inserted."

The following motion standing in the name of Shah Syed Emdadul Haq was, in the absence of the member, deemed to be withdrawn:—

"That in clause 5(*2*), line 9, for the word 'fifteen' the word 'ten' be substituted."

Rai HARENDRANATH CHAUDHURI: I move that after clause 5 (*2*) the following be inserted, namely:—

"(*2a*) If, on the date fixed, or any subsequent date to which the hearing may be adjourned, the person on whom the notice is served under sub-section (*1*) appears and shows cause, the Commissioner of Police shall commit the case for trial by a Presidency Magistrate and the Presidency Magistrate, if satisfied, after due hearing, that the house, room or place is used as described in clauses (*a*), (*b*), (*c*) or (*d*) of sub-section (*1*), as the case may be, he may direct, by order in writing on such owner, lessee, manager, tenant, or occupier, that the use as so described of the house, room or place be discontinued from a date not less than fifteen days from the date of the said order and be not thereafter resumed."

Clause 5 makes the Commissioner of Police both the prosecutor and the judge. He is to inquire whether a house is being used in such a way as is contemplated in paragraph *(a)*, *(b)*, *(c)* or *(d)* of sub-clause *(1)*. Then he is to hear the party on whom the notice is served. Then he has to decide whether the house in question is being misused as a brothel or not. Then he has to pass an order on the offending party, that is, he has to do everything. The Hon'ble Mr. Stephenson in reply to my last amendment said that the whole object is to oust the jurisdiction of the court, and if the Commissioner of Police be not given all such powers the Act will be unworkable. You will see that in the corresponding section of the Burma Act a properly constituted court is to adjudicate on such matters and not the Commissioner of Police. Section 11 of the Burma Act says:—

> 11. Any person who—
>
> (*a*) keeps or manages or acts or assists in the management of a brothel, etc., etc., shall be punished with imprisonment, which may extend to three months, or with fine which may extend to five hundred rupees.

Section 12 of the Burma Act says:—

> 12. Any person who, having been convicted of an offence punishable under section 11, is convicted of a subsequent offence punishable under the said section, shall be punished with imprisonment * * * and may, in addition to such punishment, be required by the Court to execute a bond, with sureties, for his good behaviour for such period, not exceeding three years, as the Court may direct, * * *

Then section 18 of the said Act says:—

> 18. Offences punishable under sections 7, 8, 9, 10, 11 and 12 shall be triable by magistrates of the first class only.

Now if such cases could be tried in Rangoon by a properly constituted court and if the administration of the Burma Act has not failed for that reason, I fail to see why the administration of the Bengal Act will fail, if the Commissioner of Police be not made the prosecutor and the judge and everything. I therefore propose that the contested cases, i.e., those cases in which persons served with notice appear to show cause, should be tried by a properly constituted court and not by the Commissioner of Police. That is my idea and with that idea I beg to commend my amendment for the acceptance of the House.

The Hon'ble Mr. H. L. STEPHENSON: I think that the mover of the amendment is under a misapprehension. The Commissioner of Police does not try any case at all. He decides whether a house is a brothel or not; he issues an order for its discontinuance. If that order is disobeyed, the whole case comes up before a court and not before the Commissioner of Police. The Act, therefore, as far as I can make out is absolutely on all fours with the Burma Act. It seems to me that this

question of closing a brothel is an executive act. If the moral feeling of the community requires that brothels in the neighbourhood of certain educational institutions shall be closed, surely the proper course is executive action and not a civil suit. Practically the procedure laid down in the amendment means a long civil suit before the Presidency Magistrate taking up the time of the Presidency Magistrate with all the legal formalities of a civil suit and there are some amendments afterwards which give a further appeal, and as I said in dealing with the other amendment, the net result of this will be that the Commissioner of Police will not have the time to institute those cases before the Presidency Magistrate. The police will not have the time and the private individual will not do it or if he does, his motive will be strongly suspected. I therefore appeal to the House to keep what has been for the last 40 or 50 years an executive action. That is not a new power to be given to the Commissioner of Police. He has already got it and there has never been, as far as I know, a single case of any abuse of this power.

The motion was put and lost.

The following motions being consequential were not put as they were covered by the foregoing decision :—

Rai HARENDRANATH CHAUDHURI: That for clause 5(*4*) the following be substituted namely :—

> (*4*) No house, room or place concerning which an order has been made under sub-clause (*2*) or sub-section (*3*) shall again be used or be allowed to be used in any manner described in clause (*a*), (*b*), (*c*) or (*d*) of sub-section (*1*), as the case may be, and if the Court is, on proof, satisfied that such house, room or place is again used in such manner, shall pass an order on the owner, lessee, manager, tenant or occupier of such house, room or place that the use as so described, of such house, room or place be discontinued within a period of seven days and be not thereafter resumed and may further order the owner, lessee, manager, tenant or occupier of such house to execute a bond with sureties for his good behaviour for such a period not exceeding three years as the Court may direct and where such person does not give such security may sentence him to imprisonment for a period not exceeding three months.' "

Rai HARENDRANATH CHAUDHURI: "That in clause 5(*4*), line 2, after the words 'sub-section (*2*)' the words 'or sub-section (*2a*)' be inserted."

Rai HARENDRANATH CHAUDHURI: I move that in clause 5(*4*), line 6, for the words "with or without" the word "on" be substituted.

The reason is that there ought to be an inquiry. If the matter is left entirely to the officer concerned without an inquiry, it would not be reasonable. So, I suggest that the word "on" be substituted.

Professor S. C. MUKHERJI: In opposing this amendment, may I draw the attention of the Council to clause 5(*2*) where it is laid down that there should be an inquiry before the Commissioner of Police takes any action? Whether a second or a further inquiry is needed or not, that must be left to the discretion of the Commissioner of Police and that is why the section says "with or without" further inquiry. If he thinks that a further inquiry is necessary, he will do it. The section does not say that he should not make a further inquiry.

The motion was put and lost.

The following motions being consequential were not put as they were covered by the foregoing decision of the Council:—

Raja RESHEE CASE LAW: "That in clause 5(*4*), lines 8 and 9, for the words 'owner, lessor, manager or occupier' the words 'person in possession' be substituted."

Rai HARENDRANATH CHAUDHURI: "That in clause 5(*4*), line 8, for the word 'lessor' the word 'lessee' be substituted."

Profesor S. C. MUKHERJI: I move that after the word "manager" in clause 5(*4*), line 9, the words "lessee, tenant" be inserted. This would include Rai Harendranath Chaudhuri's amendment.

The motion was put and agreed to.

The following motion was not put as it was covered by the decision in the foregoing motion:—

Rai HARENDRANATH CHAUDHURI: "That in clause 5(*4*), line 9, after the word 'manager' the word 'tenant' be inserted."

The following motion standing in the name of Rai Nibaran Chandra Das Gupta Bahadur was, by leave of the Council, withdrawn:—

Rai NIBARAN CHANDRA DAS GUPTA Bahadur: "That in clause 5(*4*), line 10, after the words "direct that" the following be inserted, namely:—

> 'unless an order from a Court of Justice, staying the execution thereof or declaring the house, room, or place not to be a brothel be secured or passed within a fortnight.'"

Babu ANNADA CHARAN DUTTA: I move that after clause 5(*4*) the following be inserted, namely:—

"(*4a*) The order in writing under sub-section (*2*) or sub-section (*4*) shall be served in the manner provided by section 134 of the Code of Criminal Procedure, 1898."

It only refers to the mode of service of the order in writing which is the most essential thing in this sub-clause. Everything in that order must be in writing and as there may be cases where there will be undoubtedly some persons on whom orders are passed who are likely to be absent. Therefore it is necessary for their information that this order in writing should be brought to their knowledge in a particular way and the way I suggest is the one prescribed in the Criminal Procedure Code. To this, I believe, there can be no objection. The procedure laid down in section 134 of the Criminal Procedure Code is to the effect that the order in writing should be served either personally or there should be a substitute in order to avoid difficulties that may arise from non-receipt of such order. The mere passing of the order should not be sufficient. Therefore I move this amendment.

Babu SURENDRA NATH MALLIK: I must confess that the idea underlying this important motion is a very good and acceptable one. It makes the character of the order to a very large extent in the nature of an order *in rem* instead of an order *in personam*. If this procedure is adopted I believe that it will add very much to the result that we aim at in this particular matter. I, therefore, support the amendment.

Mr. H. P. DUVAL: Section 134 of the Criminal Procedure Code is not a section that applies to Calcutta and it seems to us that even if it did, the amendment is unnecessary as notices here are served as far as possible personally. The sections which deal with service of summons, etc., in Calcutta are section 68 and the following sections. We do not think that it is necessary to make special provision for these notices.

The motion was put and lost.

Raja RESHEE CASE LAW: I move that for clause 5(*5*) the following be substituted, namely:—

"(*5*) Any person aggrieved by an order passed by the Commissioner of Police under sub-sections (*2*) and (*4*) may apply to the Chief Presidency Magistrate or to any other Magistrate specially appointed by the Local Government in this behalf for the revision of the order passed by the Commissioner, and the Magistrate after giving due notice to the Commissioner of Police and hearing all parties on a date to be fixed by him, may either set aside the order or pass such other order as he considers just and proper. The order of the Magistrate shall be final."

The object of introducing the amendment is obvious from the wording itself. However, much we may desire the introduction of a Bill like the present, it must be admitted on all hands that the sense of security and protection afforded by a right of having a decision after judicial inquiry should not be denied to any citizen. The Commissioner of Police is not a judicial officer and an inquiry by him cannot by any means be considered as judicial; and if he commits an error in his interpretation of any word used in the Bill or in the application thereof, to leave the public without a remedy would be manifestly unjust. I therefore move this amendment.

Babu AMULYA DHONE ADDY: I have great pleasure in supporting this amendment. The British sense of justice demands it. It may be said that the Commissioner of Police has already been invested with powers under the Police Act, but it appears that under the Police Act this power has been vested not only in the Commissioner of Police but also in the magistrate. Therefore, it is desirable that the decision of the Commissioner of Police should not be final and the person aggrieved should have a right of appeal to the magistrate. I find the same under section 11 of the Burma Act. I also find that the magistrate has been authorized to try cases under clauses 9, 10, 11 and 12 as will appear from clause 13. I therefore think that it is desirable that the decision of the Commissioner of Police under clause 5 should not be final, but should be subject to appeal to the magistrate.

Dr. PRAMATHANATH BANERJEA: I wish to support this amendment. It is eminently desirable that an appeal should be allowed to a judicial authority. The Commissioner of Police is the head of the department which would administer this Act and in the interest of public some person who is not connected with the administration of the Act should have the power to give a final decision in this matter. I beg therefore to support this amendment.

Babu SURENDRA NATH MALLIK: I must oppose this motion. It is against principle. As regards the question of jurisdiction, there must be a finality. What is the point here? The point at issue is whether the house is used as a brothel or not. The Commissioner of Police makes an inquiry. For this, there must be a local inspection and that is done by the Commissioner of Police's staff. If you say that his decision must be subject to a revision by a High Court or Presidency Magistrate, how can they be in a better position to say whether the house is used as a brothel or not? Is there any sense in asking that there must be an appeal in a matter like that?

The Hon ble Mr. H. L. STEPHENSON: I oppose this motion. I have already given my grounds for doing so, namely, that you either have the Commissioner of Police or the Presidency Magistrate, but you

cannot have both. If the Commissioner of Police is to go through all the trouble of coming to the conclusion that the house is a brothel or not and then the case is to go to the Presidency Magistrate, then I must say that we cannot afford to waste the time of the Commissioner of Police in dealing with such cases. Let the case go straight to the Presidency Magistrate. As Mr. Mallik has pointed out, there must be a finality in these things. If you do not trust the Commissioner of Police, you can trust somebody else. Do not ask a man to do a thing when you do not trust him. Try somebody else.

Then, there is an amendment later on, which proposes to allow appeals to the High Court. The only effect of all these appeals is that instead of making it a question of executive action whether the brothel shall be closed in the interests of the city or not, it becomes a question of civil suit which has got to be tried out. It becomes a very expensive suit and it is only rich men who can afford to go up to the High Court and the actual result, as I have said before, will be that the Commissioner of Police will not touch these cases at all and nothing will be done under the Act.

Rai Harendranath Chaudhuri fortified himself by references to the Burma Act. As far as I can make out, his point was that under section 11 of the Burma Act certain persons who committed an offence under the Act were tried by the court. Therefore, if the Commissioner of Police in his executive capacity were to pass an order that a house was a brothel, there should be an appeal to the Presidency Magistrate. The argument is a *non sequitur*. If this amendment is passed, I would only state that Government will not allow the Commissioner of Police to waste his time by taking up such cases.

The motion was put and lost.

Rai HARENDRANATH CHAUDHURI: I move that in clause 5(*5*) line 1, for the word " Act " the word " section " be substituted.

Professor S. C. MUKHERJI: I accept the amendment.

The motion was put and agreed to.

Rai MAHENDRA CHANDRA MITRA Bahadur: I move that in clause 5(*5*), lines 5, 6 and 7, the words " and the legality or propriety thereof shall not be questioned in any trial or judicial proceeding in any court " be omitted.

It is surprising that the legality of the proceedings taken by the Commissioner of Police is not to be questioned in any Court of law. I do not find such a procedure adopted in any other country. If the Commissioner of Police is wrong in his views and acts against the provisions of the law, is the complainant to be told that he cannot go to a higher court for the purpose of questioning the legality or illegality of the

proceedings adopted? It is a very strange law that I find here adopted and I strongly submit that the words be omitted.

We have got the interpretation of the word " final." It means that there cannot be any appeal. It sometimes also means that there cannot be any review, but not being satisfied with this, the author of the Bill has thought it necessary to lay down that the propriety of the proceedings taken cannot be questioned in a higher court of law. I hope the words will be omitted.

Professor S. C. MUKHERJI: There is nothing strange or novel in this part of the section. It already exists in the present law and it is simply a quotation from that and incorporated in the present Bill.

The motion was put and lost.

Babu ANNADA CHARAN DUTTA: I move that at the end of clause 5(*5*) the following be added, namely:—

" subject only to the revisional powers of the High Court of Calcutta on the ground of jurisdiction."

In view of the legal nature of the proceedings, this section is so summary that it almost verges upon—I should say—arbitrary decisions. It will be seen that we have given the Commissioner of Police the powers of a dictator. Of course I do not suggest that the Commissioner of Police holding such a responsible position will do things which will go against the provisions of the law, but there may be instances when his jurisdiction may not be properly exercised and an appeal may be necessary. It is required that at least there should be the revisional jurisdiction of the High Court to revise the decision and finding of the Commissioner of Police on the general ground of jurisdiction. If you refer to the analogous provisions of the Disorderly House Act, it will be found that an appeal is permissible from the judgment of the magistrate, and if you refer to the Police Act for appointing special constables, you will find that the High Court sometimes exercises the power of revision. So, remembering the fact that the Police Commissioner has been given the power of a dictator and remembering also the fact that there is practically nothing to check him, if, in a moment of weakness or under certain circumstances it is found that it is not only the question of legality of proceedings but it is also a question of jurisdiction which goes to the root of the law, a higher court should have the power of revision. In this view I have moved my amendment and it may be utilised under very exceptional circumstances in place of the old one.

Mr. H. P. DUVAL: I think the member must see that this proposal is quite unnecessary. This legislature has no power to legislate as to the powers of the High Court and the High Court has already certain revisional powers, and no attempts that we may make in this House

can take them away. I therefore point out that it is quite unnecessary. If the High Court wants to interfere, this House cannot stop it by legislation.

The motion was put and lost.

The following motions were not put as they were covered by the foregoing decision:—

Rai HARENDRANATH CHAUDHURI: " That in clause 5(*6*), line 2, the words " by the Commissioner of Police " be omitted.

Babu ANNADA CHARAN DUTTA: " That in clause 5(*6*), line 4, after the word ' place ' the words ' and duly promulgated as aforesaid ' be inserted."

Kumar SHIB SHEKHARESWAR RAY: I move that in clause 5(*6*), line 4, before the word " allows " the word " knowingly " be inserted.

My amendment aims only at a verbal alteration which will go to the relief and protection of those landlords who are really innocent and without whose knowledge some rooms in his house might perhaps be used as brothels.

Professor S. C. MUKHERJI: I cannot accept the amendment as it would be a dangerous emendation. It is exceedingly difficult to prove " knowingly." It is not a verbal alteration.

The motion was then put and a division taken with the following result:—

AYES.

Ahmed, Maulvi Yakuinuddin.
Ali, Mr. Syed Erfan.
Banerjea, Dr. Pramathanath.
Bhattacharji, Babu Hem Chandra.
Chaudhuri, Khan Bahadur Maulvi Hafizar Rahman.
Chaudhuri, Maulvi Shah Muhammad.
Chaudhuri, Rai Harendranath.
Dutta, Babu Indu Bhushan.
Haq, Shah Syed Emdadul.
Mitra, Rai Bahadur Maffendra Chandra.
Mukhopadhaya, Babu Sarat Chandra.
Naskar, Babu Hem Chandra.
Raikat, Mr. Prasanna Deb.
Ray, Babu Bhabendra Chandra.
Ray, Kumar Shib Shekhareswar.
Roy, Raja Manilell Singh.
Sinha, Babu Surendra Narayan.

NOES.

Addy, Babu Amulya Dhone.
Ali, Mr. Syed Nasim.
Azam, Khan Bahadur Khwaja Mohamed.
Banerjea, the Hon'ble Sir Surendra Nath.
Basu, Babu Jatindra Nath.
Bell, Mr. J. W. A.
Birley, Mr. L.
Carey, Mr. W. L.
Cooper, Mr Charles C.
De, Mr. K. C.
De, Rai Bahadur Panindralal.
Dey, Mr. C. C.
Donald, the Hon'ble Mr. J.
Donovan, Mr. J. T.
Duval, Mr. H. P.
Forrester, Mr. J. Campbell.
Goode, Mr. S. W.
Hornell, Mr. W. W.
Huntingford, Mr. G. T.
Khan, Maulvi Hamid-ud-din.
Khan, Mr. Razaur Rahman.
Maharajadhiraja Bahadur of Burdwan, the Hon'ble the.
Maitk, Babu Surendra Nath.

Marr, Mr. A.	Raikem, Mr. Abdur.
McAlpin, Mr. M. C.	Rahim, the Hon'ble Sir Abd-ur-.
McCay, Lt.-Col. David.	Robertson, Mr. P. W.
Mitter, the Hon'ble Mr. P. C.	Roy, Mr. J. N.
Mukerjee, Mr. S. C.	Salam, Khan Bahadur Maulvi Abdus.
Mukherji, Professor S. C.	Stephenson, the Hon'ble Mr. H. L.
Phillip, Mr. J. Y.	Villiers, Mr. F. E. E.

The Ayes being 17 and the Noes 37, the motion was lost.

The following amendment standing in the name of Khan Bahadur Maulvi Wasimuddin Ahmed was, in the absence of the member, deemed to be withdrawn :—

" That in clause 5 (*6*), line 11, after the word ' imprisonment ' the words ' of either description ' be inserted."

Babu ANNADA CHARAN DUTTA: I move that in clause 5(*6*), lines 12 and 13, for the words " any fine imposed " the words " any daily fine as aforesaid " be substituted.

I have proposed this amendment in order to make the context clear; I do not understand why the language should not be made more clear.

The Hon'ble Mr. H. L. STEPHENSON: I quite sympathize with the mover's desire for clarity but I am afraid his amendment will also alter the sense because the section says—" shall be punished with fine which may extend to fifty rupees for every day after the expiration of the said period during which the breach continues." The fine is limited in amount by the number of days during which the breach continues but is not necessarily a daily fine. If the breach has been going on for a week the Magistrate may fine Rs. 200 but it is not a daily fine. Therefore the amendment really would alter the sense.

The motion was put and lost.

The following amendment of Rai Harendranath Chaudhuri was not put as it was covered by the foregoing decision :—

" that after clause 5(*6*) the following be inserted, namely :—

' (7) Offences punishable under sub-sections (*2a*) and (*4*) shall be triable by Presidency Magistrates and Magistrates of the first class.' "

Babu ANNADA CHARAN DUTTA: I move that in clause 5(*7a*), line 2,—

(*i*) after the word " section " the words " the substance of the statements of persons examined and of other facts considered shall be kept on the record, and " and

(*ii*) after the words " Commissioner of Police " the words may himself make or" be inserted.

I wish that in order to help the investigation not only the report of the Deputy Commissioner of Police but also that of persons examined should be put on record. The view has been conceded by Mr. Duval that the High Court will have revisional jurisdiction in certain cases. So the record submitted should contain more than the report of the Deputy Commissioner of Police. I therefore suggest that the substance of the statements of persons examined, and other facts considered shall also be kept on record. As a matter of fact, this point has been conceded because it has been said here that the Commissioner of Police is not expected to proceed on the basis of nothing; there must be something in writing and other things for him to arrive at a right conclusion; that is why I suggest that the substance of the statements of persons examined should also be put on record along with the report of the Deputy Commissioner.

Professor S. C. MUKHERJI: I oppose it on the ground that it is quite unnecessary.

The motion was put and lost.

Babu ANNADA CHARAN DUTTA: I move that to clause 5(*7a*) the words " as also the materials upon which such report is based " be added.

It is a simple matter; in this section it has been provided that the Deputy Commissioner of Police is to make a local investigation and submit his report and this report should be considered by the Commissioner of Police to arrive at a conclusion, or if the report be relevant, the materials upon which the report is based should also be necessary to put on record for the purpose of assisting the Commissioner in coming to a right conclusion. In framing his report certainly he will also consider the materials upon which the Deputy Commissioner's report is based and I, therefore, urge that for this purpose the materials of the report should also be published. In certain cases the Commissioner should be in a position to look into the propriety or otherwise of the report of the Deputy Commissioner. The materials would be the only facts by which he will be in a position to judge the propriety of the Deputy Commissioner's report which must be considered for the purpose of framing the final order. That is why I move my amendment.

Professor S. C. MUKHERJI: I simply oppose it on the ground that it is quite unnecessary. The Deputy Commissioner is bound to place all the relevant facts before the Commissioner of Police in helping the latter to come to a right conclusion.

The motion was put and lost.

Rai NIBARAN CHANDRA DAS GUPTA Bahadur: I have since been satisfied that it is necessary that some fee should be paid and I beg to withdraw the amendment standing in my name.

The following amendment was then, by leave of the Council, withdrawn :—

"That in clause 5(*7b*) lines 5 and 6, the words 'on payment of the prescribed fee' be omitted."

SHAH SYED EMDADUL HAQ moved that in clause 5(*7b*), lines 5 and 6, the words "on payment of the prescribed fee" be omitted.

The Hon'ble Mr. H. L. STEPHENSON: The motion is that in clause 5(*7b*), lines 5 and 6, the words "on payment of the prescribed fee" be omitted. The prescribed fee is a fee for examining the register in which shall be entered a description of all houses, rooms and places in respect of which an order has been made under this section. Now, who will want to examine that register? It will be of no use to anybody unless he is going to open a brothel in a house. If he is going to open a brothel in this house then I think he should certainly pay a fee sufficient to pay for the upkeep of this register. I have no sympathy whatever with him and I shall be astonished if Shah Sahib has any sympathy either..

The motion was then put and lost.

The following amendments standing in the names of Babu Annada Charan Dutta and Rai Mahendra Chandra Mitra Bahadur, respectively, were not put as they were covered by the foregoing decision of the Council :—

"That in clause 5(*8*), line 5, after the word 'thereof' the words 'and duly promulgated as aforesaid' be inserted."

"That in clause 5(*8*), line 6, the words 'or disorderly house' be omitted."

The following amendment standing in the name of Khan Bahadur Maulvi Wasimuddin Ahmed was, in the absence of the member, deemed to be withdrawn :—

"That in clause 5(*8*), line 7, the word 'common' be omitted."

Rai HARENDRANATH CHAUDHURI: I move that at the end of clause 5 the following be added, namely :—

"(*9*) If the owner or lessor determines a lease or contract of tenancy under the provisions of sub-section (*1*), the Court which has convicted the tenant, lessee or occupier may make an order for delivery of possession to the owner or lessor within such time, not being less than seven days, as the Court may direct. The order shall be served on the person against whom it is made in the manner provided in the Code of Criminal Procedure, 1898, for the service of a summons, and if the person against whom such order is made fails to comply with it, he shall be punished with imprisonment which may extend to three months or with fine which may extend to one thousand rupees."

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CLAUSE 6.

Mr. PRESIDENT: The question is that clause 6 stand part of the Bill.

Babu AMULYA DHONE ADDY: I move that in clause 6(*1*) lines 1 and 2, the words " or a Deputy Commissioner " be omitted.

It will appear from this clause that the Commissioner of Police, Deputy Commissioners of Police and Inspectors of Police have been authorized to remove a minor girl found in a brothel. I also find that not only the Commissioner of Police but also the Deputy Commissioner have been authorized to authorize an Inspector of Police to remove a girl. I object, Sir, to the Deputy Commissioner authorizing an Inspector to do so. The European Association suggested that it is the Commissioner of Police alone, who should be authorized to remove a girl, but my suggestion is a very moderate one. What I beg to submit is that the Inspector of Police may be authorized by the Commissioner of Police, but the Deputy Commissioner should not be authorized to authorize an Inspector of Police to remove a girl. That would be a dangerous weapon in the hands of the Deputy Commissioner. Although I have the greatest confidence in him I do not think he should be authorized to authorize an Inspector of Police to remove a minor girl found in a brothel.

The Hon'ble Mr. H. L. STEPHENSON: I oppose this amendment. The Deputy Commissioner is going to be sufficiently trusted to go himself into a brothel and remove a girl, but he is not to be sufficiently trusted to tell an inspector to do so. I rather think this amendment is based on a misunderstanding. It is not proposed that the Deputy Commissioner or the Commissioner should authorize A, B and C inspectors and D, E and F sub-inspectors to remove a girl from a brothel. The idea is that when an inspector or a sub-inspector receives information that within his jurisdiction there is a minor girl under the age of 16 in a brothel he should obtain authorization from the Commissioner or the Deputy Commissioner of Police to enter that brothel. The Deputy Commissioners of Police are entirely responsible within their own jurisdiction. There is a Deputy Commissioner for the north town and a Deputy Commissioner for the south town. If an inspector in the north of the town hears that there is a minor girl of 16 in a brothel, is he to go down, leave his jurisdiction and search for the Commissioner of Police, wherever he may be, in order to get an authorization from him to go and rescue the girl? Surely he can go direct to the man who is directly responsible for that area. I think it is extremely foolish to say that a Deputy Commissioner in Calcutta, who has all the powers of a Commissioner of Police, cannot be trusted to order an inspector to go into a brothel.

The motion was then put and lost.

Babu ANNADA CHARAN DUTTA: I move that in clause 6(*1*), line 5, for the words " shall be empowered " the words " shall have power " be substituted.

Professor S. C. MUKHERJI: I accept this amendment.

The motion was put and agreed to.

Babu AMULYA DHONE ADDY and SHAH SYED EMDADUL HAQ moved that in clause 6(*1*), line 8, for the words " or it is reported to him " the words " or has reason to believe from a report made to him " be substituted.

Professor S. C. MUKHERJI: I accept this amendment.

The motion was put and agreed to.

Babu ANNADA CHARAN DUTTA: I move that in clause 6 (*1*), line 11, before the word "prostitute" the word "common" be inserted.

The section gives a free power to the police officer for the removal of girls up to the age of 16 years. Under certain circumstances —and cases of that kind also are likely to occur—girls of that particular age may be pounced upon by designing persons in some way or other. So it is desirable for the safety of persons, who may not come under this section, that the word "common" be added before the word "prostitute." In another part of the Bill the word "common" is there. This point was discussed in connection with amendments 1 and 2, so it is better to be always on the safe side, especially where the police is empowered to remove girls of 16. It may sometimes hurt the sentiments of the different communities. From that point of view also it is desirable that this word should be inserted. It would be an additional safeguard.

Professor S. C. MUKHERJI: I oppose this amendment. This is quite different from other amendments. We have the expression "common prostitute" in other parts of the Bill, but here we have simply "prostitute" because we have in view the rescue of a minor girl from a brothel. Since there is reasonable suspicion that the girl is living there or carrying on or being made to carry on the business of a prostitute, we do not want the police officer to wait and find out if she is carrying on the business of a common prostitute, but to remove her immediately.

The motion was put and lost.

Babu ANNADA CHARAN DUTTA: I move that at the end of clause 6(*1*) the following be added namely:—

"provided that before such entry the said officer shall record in writing such knowledge, report or suspicion, and before such removal of the girl, he shall make a summary inquiry and record his report in writing."

In moving this amendment, I only want to add some safeguard against miscarriage of justice and misapplication of this provision of the law, and that is, before entering into the house, where some girls are suspected to be there, the officer concerned should record in writing some such knowledge or suspicion. The basis of this provision is the knowledge or suspicion or report from some quarter to the police officer. Is there any harm in putting it down in writing? Is it the intention that the Deputy Commissioner or the Commissioner of Police should be above all criticism that this thing should not be done? Well, we know in other Acts, such as the Opium Act, the Excise Act and the Arms Act, for the purpose of a search warrant being issued, there is to be some record of the report in writing. But here in the case of the removal of an adult girl—I think girls of the age of 16 are adult girls for all practical purposes—the Commissioner of Police or his subordinate, the Inspector, is going to be empowered to remove such girls even on the bare suspicion or mere report of somebody else, which is not to be recorded. My idea is that he should be required to put down his information in writing; that would be a safeguard for persons who might otherwise be obsessed. It is well known that there have been cases where Inspectors of police have been punished for offences in connection with the arrest of adult girls; therefore, there should be this safeguard that their suspicion or knowledge or report should be recorded in writing. I do not think there is any harm in enacting this, requiring an officer to put down in writing what was the nature of the information or knowledge of suspicion upon which action was taken.

Mr. H. P. DUVAL: I am afraid I must oppose this motion also. The proposal of the mover comes to this. The Inspector goes to the Deputy Commissioner, gives him certain information on which the Deputy Commissioner gives him an order to go to a house and rescue a girl. He goes to the house and on arrival at the house writes down his suspicion or holds an inquiry: in the meanwhile the girl is being spirited away over the wall. Is that the intention of the mover? Surely, the Inspector has got to act at once; he has no time to write a record; he has seen the Deputy Commissioner of Police, the Deputy Commissioner is satisfied with his information and he has to act at once; he has no time to write a report. I therefore oppose the amendment.

The motion was put and lost.

Babu ANNADA CHARAN DUTTA: I move that in clause 6(*2a*), line 2, after the word "brought" the word "immediately" be inserted.

My amendment is simple. It is always safe that the person arrested is produced before the Court immediately after arrest. We have seen such a type of law when certain words are not there, that they are interpreted in a way that was never the intention of the legislature. The insertion

of this word does not hurt anybody. Therefore, if your intention is that such girls should be brought before the proper authority the word should be there. I hope and trust the amendment will be accepted.

Mr. PRESIDENT: Annada Babu, the meaning of your amendment is self-evident.

The Hon'ble Mr. H. L. STEPHENSON: My reply is not that this amendment is unnecessary, but that it is impracticable. The girl is rescued from a brothel at 8 or 10 o'clock at night when the court is not sitting. Then what will happen? The girl will have to be released immediately and she goes back. But there is no real danger about it. I appreciate the member's point, but there is no real danger, because section 7 provides that when a girl is removed from a brothel, until such girl can be brought before the Court or the Court otherwise disposes of the case, she shall be detained in such place as may be prescribed by the local Government. Therefore, there is a provision for this intermediate custody, and I think the member may trust that the intention in moving this amendment is carried out by section 7.

The motion was put and lost.

Mr. PRESIDENT: The question is that clause 6, as amended, stand part of the Bill.

The motion was put and agreed to.

[At this stage the Council was adjourned for 15 minutes.]

After the adjournment.

CLAUSE 7.

Mr. PRESIDENT: The question is that clause 7 stand part of the Bill.

Rai NIBARAN CHANDRA DAS CUPTA Bahadur: I move that in clause 7, line 9, after the words "in such place" the following be inserted, namely:—

"which is not repugnant to the religion or religious custom in which the girl has been brought up."

My object in giving notice of this amendment was due to a misapprehension.

Mr. PRESIDENT: Do you ask leave to withdraw, Rai Bahadur?

Rai NIBARAN CHANDRA DAS CUPTA Bahadur: I want an assurance from the Member in charge of the Bill. There is a lurking suspicion that ordinarily these girls will be made over to missionary bodies. So the Hindus and Muhammadans object even to this temporary residence with missionary bodies if the girls hail either from the Hindu or Muhammadan community.

Professor S. C. MUKHERJI: The member need not have any such apprehension. So far as this particular clause is concerned, it relates to intermediate custody. When the final decision is arrived at, certainly all these will be considered as to where the girl should be sent to.

Mr. PRESIDENT: Rai Bahadur, the way in which you put your amendment is rather unfortunate; however it does not matter.

The motion was then, by leave of the Council, withdrawn.

Mr. PRESIDENT: The question is that clause 7 stand part of the Bill.

The motion was put and agreed to.

CLAUSE 9.

Mr. PRESIDENT: The question is that clause 9 stand part of the Bill.

Babu AMULYA DHONE ADDY: I move that in clause 9(*1*), line 1, the word "male" be omitted.

Under this clause any male person who lives on the earnings of prostitution shall be punished. I fail to understand as to why females who live on the earnings of prostitution should not be punished. I am of opinion that most of the offenders under this clause are females. Therefore, I do not think we would be justified in excluding females from the operation of this clause.

The Hon'ble Mr. H. L. STEPHENSON: If this amendment be carried then any *bariwallah* will be liable to 3 years' rigorous imprisonment. As I have already explained, Government, the Select Committee as well as the authors of the Bill, do not wish to go in advance of the sentiments of the public. I do not think any section of the public is prepared to put every brothel-keeper into jail for 3 years. For that reason I oppose this amendment.

The motion was put and lost.

The following amendments were, in the absence of the members, deemed to be withdrawn:—

Babu ANNADA CHARAN DUTTA: "That in clause 9(*1*), line 1, after the word 'knowingly' the words 'and continuously' be inserted."

Babu ANNADA CHARAN DUTTA: "That in clause 9(*1*), line 2, after the word 'prostitution' the words 'which shall not mean or include any gift or payment on business' be inserted."

Khan Bahadur Maulvi WASIMUDDIN AHMED: That in clause 9(*1*), line 3, after the word 'imprisonment' the words 'of either description' be inserted.

Rai NIBARAN CHANDRA DAS GUPTA Bahadur: I move that in clause 9(*1*), lines 4 and 5, the words "or with whipping, or with both of these punishments" be omitted.

This amendment is with regard to punishment. In moving this amendment I have once again to appeal to the sense of humanity of the members of this Council. That whipping, as a mode of punishment, is extremely barbarous, demoralising and brutalising, and that it is a relic of the olden bygone inhuman system that disfigured and blackened the pages of old Statute Books, is beyond all question. It is neither sanctioned by modern ideas nor it is in consonance with the conclusions of jurisprudence and the results of scientific investigations by expert criminologists. It is well known that the best books on equity, jurisprudence and criminology, are to be sought, not in Europe, but on the other side of the Atlantic. Story's famous work on equity jurisprudence, is known to all my lawyer friends as the standard book on the subject. Similarly all great books on criminology come from America. I beg to be excused for an apposite quotation from a great book on criminology——

Mr. PRESIDENT: I do not want to interrupt you, but we do not want the opinion of experts as to whether whipping is the proper punishment for this offence or not. You are reading what appears to be an essay on the moral aspect of whipping as a punishment. All that is quite irrelevant. You must direct your remarks to the discussion of whether whipping is the proper punishment for an offence of this nature.

Rai NIBARAN CHANDRA DAS GUPTA Bahadur: This is exactly apposite and to the point. Dr. Maurice said in his criminology that "corporal punishment has been used extensively in the past and is sometimes advocated to-day, not so much as a substitute for imprisonment, but in addition to it. In fact flogging has recently been made a penalty for procuration in England and for wife-beating in some States in this country——

Mr. PRESIDENT: You are doing exactly what I asked you not to do. You are again giving us a lecture on the moral aspect of whipping as a punishment. You can reach your object by a direct route, but at the present moment you are travelling by an extremely circuitous route. The other side can equally cite thousands of quotations, and the debated will go on till midnight.

Rai NIBARAN CHANDRA DAS GUPTA Bahadur: I do not want to read thousands of quotations, but I am quite sure of my ground. But if authorities are needless, and if common sense is to guide us, then I think common sense alone will be the best and safest guide in this assembly. I think "whipping" as a sort of punishment is unnecessary because I think fines and imprisonment are quite enough. The feeling

of the public at large in regard to whipping must not be forgotten. In the Select Committee in making a provision of this nature against procurers and pimps as severe as possible I think they have gone to the extreme. It is only provocative and brutalising. Here, Sir, we have an example of how tenaciously we cling to old ideas and idols in the face of modern scientific discoveries and advance of humanitarian ideas. We must once for all shake off those fossilized shibboleths and put ourselves in the current that is carrying us towards a better and happier world. The hon'ble members of this House have once shown that their ideas are far in advance of those of the old school of criminologists and I hope and trust they will rise to a similar height on this occasion too by carrying my amendment, and by omitting " whipping " as a punishment for procuration or solicitation.

Mr. PRESIDENT: You are only dealing with the question of living on the earnings of prostitution.

Rai NIBARAN CHANDRA DAS CUPTA Bahadur: Yes.

Babu AMULYA DHONE ADDY: I have no sympathy for those who live on the earnings of prostitution. But at the same time I must say that the punishment of whipping is too hard and that it should be abolished. Therefore I support the amendment.

Rai HARENDRANATH CHAUDHURI: I support the amendment moved by Rai Nibaran Chandra Das Gupta Bahadur. I beg to state that however deterrent the fear of the lash might be, it should not find place in the legislation.

Kumar SHIB SHEKHARESWAR RAY: I support the amendment of Rai Nibaran Chandra Das Gupta Bahadur. Only the other day we passed in this House a resolution, in the teeth of official opposition, prohibiting whipping in jails. I hope the House will rise equal to the occasion and support this amendment whole-heartedly and not cast any blot on us.

The Hon'ble Mr. H. L. STEPHENSON: The resolution passed by the House the other day has nothing whatever to do with the present amendment. That was a resolution on jail punishment under the Jail Code; this is a question whether the punishment of whipping, a judicial punishment of whipping should be inflicted for a certain offence. The mover has referred to whipping as a brutalising punishment, but the whole point of the Select Committee in putting this in is that the man who lives on the earnings of prostitution is so brutalised that no other punishment really touches him. That is the whole point of the particular punishment put in here. The general feeling of the country with regard to whipping, either as a judicial punishment or jail discipline, is really beside the

point. The point here is whether in these particular cases the offenders are so brutalised that whipping is the proper punishment. In England they have put whipping as a punishment for this offence. The same is the case in Bombay and Burma too, although I may admit that we need not necessarily follow Bombay and Burma in every way. But the attitude of Government on this question is that Government does not wish in any way to force on the Council the punishment of whipping if the Council does not want it. Government have no views on the matter and the members of Government can vote as they like. Personally I do feel that this particular offence deserves the punishment of whipping, but those are my personal views. Government, as I have said, have no views whatever on this subject.

The motion being put, a division was taken with the following result:—

AYES.

Addy, Babu Amulya Dhone.
Bhattacharji, Babu Hem Chandra.
Chaudhuri, Rai Harendranath.
Das Gupta, Rai Bahadur Nibaran Chandra.
Dutta, Babu Annada Charan.
Dutta, Babu Indu Bhushan.
Ray, Kumar Shib Shekhareswar.

NOES.

Ahmed, Khan Bahadur Maulvi Wasimuddin.
Ahmed, Maulvi Rafi Uddin.
Ali, Mr. Syed Erfan.
Ali, Mr. Syed Nasim.
Bell, Mr. J. W. A.
Birley, Mr. L.
Carey, Mr. W. L.
Chaudhuri, Maulvi Shah Muhammad.
De, Mr. K. C.
Dey, Mr. C. C.
Donald, the Hon'ble Mr. J.
Donovan, Mr. J. T.
Duval, Mr. H. P.
Emerson, Mr. T.
Forrester, Mr. J. Campbell.
Gaede, Mr. S. W.
Hornell, Mr. W. W.
Huntingford, Mr. C. T.
Karim, Maulvi Fazial.
Maharajadhiraja Bahadur of Burdwan, the Hon'ble the.
Mallik, Babu Surendra Nath.
Marr, Mr. A.
McAlpin, Mr. M. C.
McCay, Lt.-Col. David.
Mukerjee, Mr. S. C.
Roy, Mr. J. N.
Sinha, Babu Surendra Narayan.
Stephenson, the Hon'ble Mr. H. L.
Suhrawardy, Dr. A.
Suhrawardy, Dr. Hasean.
Villiers, Mr. P. E. E.

The Ayes being 7 and the Noes 31, the motion was lost.

Kumar SHIB SHEKHARESWAR RAY: I move that clause 9(2) be omitted.

I request the members of this House if they are so kindly disposed as to read the sub-clause, they will find the meaning of my opinion. I move for the omission of sub-clause (2) of clause 9. It creates a novel legal presumption and I am afraid a senseless one. What does it imply? Does it mean that if a male person is proved to be living with a prostitute or to be habitually in the company of a prostitute, then it will naturally be presumed that he is knowingly living on the earnings of prostitution—I do not know what the presumption means—and that such a person will be liable to punishment with three years' rigorous

imprisonment, etc? That is an absurd presumption against all sense of common knowledge and common sense. I am quite sure the House will never make the law such an ass as to presume anything like that. For instance, when a man keeps a mistress or lives with her habitually or visits her, does it show that the man is living on the earnings of the mistress, or does it not show that the mistress is living on the earnings of the man in whose keeping she is? It cannot make a legal presumption as to over-riding plain facts.

There is another still greater defect in this sub-clause. We all know that by far the greater number of persons guilty of such offences are the female veterans of that profession who are called landladies and who in their old age retire and live upon the earnings of the junior members. The clause as stands in the Bill does not seem to apply to them. Had it been intended to apply to those persons also, it would have done much good than harm.

Sir, let me read the clause, it runs thus:—

> "Where a person is proved to be living with a prostitute or where a male person is proved to be habitually in the company of a prostitute . . . . . it shall be presumed until the contrary is proved, that such person is knowingly living on the earnings of prostitution."

I do not know what this clause, as it stands in the Bill, means. It must be either amended sensibly or omitted altogether.

Professor S. C. MUKHERJI: The Kumar in reading out the section omitted the most important part of it when he wanted to draw the attention of the House to the clause. The clause in the Bill runs:—

> (2) Where a male person is proved to be living with, or to be habitually in the company of, a prostitute or is proved to have exercised control, direction or influence over the movements of a prostitute in such a manner as to show that he is aiding, abetting or compelling her prostitution with any other person or generally, it shall be presumed, until the contrary is proved, that he is knowingly living on the earnings of prostitution.

Here is a degrading specimen of humanity who is practically devoting his life to the miserable occupation. There are classes of people who live on——

Kumar SHIB SHEKHARESWAR RAY: May I ask if there are not three classes?

Professor S. C. MUKHERJI: Yes.

Mr. PRESIDENT: It is admitted. The Professor says there are three classes.

Professor S. C. MUKHERJI: There are three classes and the whole thing is to be judged from the context.

Babu SURENDRA NATH MALLIK: Perhaps it is not known to the Kumar Saheb that there is a class called *bhuruas*. They live with these women, they help them in robbing the visitors and they help them in detaining unlawfully young girls that come there. This is one of the most important clauses in the Bill, viz., that it should strike at the *bhuruas*. But I think the word "or" in the third line is apparently a mistake for the word "and." If the clause be modified accordingly, I think it would have the proper meaning. If you substitute the word "and" for the second "or" it will settle the question, and the clause would run thus:—

> "Where a male person is proved to be living with or to be habitually in the company of a prostitute and is proved to have exercised control, direction, etc., etc."

Otherwise I think the clause will be quite dangerous. The clause is "Whenever a male person is proved to be living with a woman at night"—but they might live with prostitutes at night and they may be otherwise very respectable persons. Unless and until it is proved that he is the man who has control and direction of the brothel, you cannot possibly drag him under the law. Therefore I hope the Hon'ble the Member will kindly consider whether the second "or" should be altered into "and."

The Hon'ble Mr. H. L. STEPHENSON: We are much obliged to the Kumar Saheb for pointing out the bad drafting in this particular section which is taken from the Burma Act. It is quite correct, as he points out, that the clause as it stands is liable to penalise anybody who is habitually in the company of a prostitute. That is not the intention of the Bill. But we cannot accept Mr. Mallik's amendment, because if we put in the word "and" in place of the word "or" then we should have to prove that the person accused was living with the prostitute and he might be living in another house.

What I propose is to make it clear by an alteration which would make the clause run as under:—

> "Where a male person is proved—
>
> (*i*) to be living with, or to be habitually in the company of, a prostitute, or
>
> (*ii*) to have exercised control, direction or influence over the movements of a prostitute,
>
> in such a manner as to show that he is aiding, abetting or compelling her prostitution with any other person or generally, it shall be presumed, until the contrary is proved, that he is knowingly living on the earnings of prostitution."

I think that will meet the Kumar Saheb's objection.

The amendment moved by the Hon'ble Mr. H. L. Stephenson was then put and agreed to, the Kumar withdrawing his.

Babu ANNADA CHARAN DUTTA: In view of the above alteration, I beg leave to withdraw my amendments.

The following amendments were then, by leave of the Council, withdrawn:—

"That in clause 9(2), line 2, after the word 'habitually' the words 'and continuously' be inserted."

"That in clause 9(2), line 5, for the word 'show' the word 'indicate' be substituted."

"That after clause 9(2) the following be added, namely:—

'Provided that a *bona fide* servant or dependent minor relation shall not come under the purview of this section.'"

Mr. PRESIDENT: The question is that clause 9, as amended, stand part of the Bill.

The motion was put and agreed to.

CLAUSE 10.

Mr. PRESIDENT: The question is that clause 10 stand part of the Bill.

Kumar SHIB SHEKHARESWAR RAY: I move that in clause 10, line 1, after the word "girl" the words "who is not a prostitute" be inserted.

I have not yet been able to find out what the real intention of this legislation is. It has made crime of things which are matters of common occurrence. It is quite true that they may send a thrill of shudder through the frail frame of our moral faddists who want the world to be pure and free from vice even if they themselves are to become the exceptions or the privileged ones——

Mr. PRESIDENT: Is this not rather the speech that you were reserving for the motion that the Bill as settled in Council be passed? I want to hear from you something on the question of the girl who is not a prostitute but seduced by a person for the purposes of prostitution. I think you are delivering the wrong speech, Kumar Saheb. (Laughter.)

Kumar SHIB SHEKHARESWAR RAY: What I was going to suggest is that you are making it a criminal offence to visit a prostitute or keep a mistress but by that you are making some such law in the name of checking prostitution which will only increase blackmail. If it be

the intention of the mover to save the innocent, I think he can have no objection to the amendment moved by me. By all means punish those who induce decent girls or women to lead the life of a prostitute but do not try to go beyond that. It might satisfy the vanity of some men to see some such provisions in the Statute Book, but I am quite sure that the Bill will either remain a dead letter or become an instrument of oppression.

The Hon'ble Mr. H. L. STEPHENSON: The object of this section is to check the supply of girls to brothels. From that point of view it makes no difference whether the girl is already a prostitute or whether she is not. If the provision is considered too much in advance of the sentiment of the country then the House should reject this Bill altogether. We have stated very definitely in the report of the Select Committee what this Bill purports to do, and if the country is not ready for it, it is certainly the duty of the House to turn it down. But looking round the benches I do not think that there is much evidence of any particular mandate from the country on the subject. My main objection to this amendment is that it will throw upon the prosecution the onus of proving whether the girl is or is not a prostitute. If she is a prostitute, we cannot touch her and we cannot also touch the man who puts the woman into the brothel; this amendment will prevent us from doing that. But, surely, that is the case we want to put a stop to. Then with regard to stopping the supply of innocent girls to brothels this amendment would make the way very easy for procurers to ensure that the girl is no longer innocent when she reaches the brothel.

For these reasons I oppose this amendment.

Babu SURENDRA NATH MALLIK: I want to say a few words. A woman who is not a prostitute as soon as she is brought into a brothel is taught on the best possible lines. Supposing a girl is brought there she is very soon taught to say "I am a prostitute."

Kumar SHIB SHEKHARESWAR RAY: If she is to say "I am a prostitute," she might as well say "I have been seduced."

The motion was put and lost.

The following amendment was, by leave of the Council, withdrawn:—

Khan Bahadur Maulvi WASIMUDDIN AHMED: That in clause 10, lines 4 and 5, after the word "imprisonment" the words "of either description" be inserted.

Babu ANNADA CHARAN DUTTA: May I be permitted to move this amendment as well as amendment No. 112?

Mr. PRESIDENT: Do you still wish to move these amendments after the result of the last division?

Babu ANNADA CHARAN DUTTA: Yes, Sir, I do.

Mr. PRESIDENT: Very well.

Babu ANNADA CHARAN DUTTA: I move that in clause 10, lines 5, 6 and 7, the words " or (if a male) with whipping or (if a male) with both of these punishments " be omitted.

I also move that in clause 11, lines 6 and 7, the words " or (if a male) with whipping or (if a male) with both of these punishments " be omitted.

I have to bring to the notice of the House that in connection with this sort of punishment we have been a little imposed upon. The Member in charge of the Bill gave us an assurance that this was going to be accepted, and when all our supporters left, this motion was inflicted upon us. Certainly this is not fair. If you really want to swallow some thing, why do not you swallow the whole hog? If you think that the offences are so grave as to deserve three years' imprisonment and in addition also there should be whipping, which has been chiefly characterised as brutalising, then why do not you inflict the punishment on the females also? It appears that you do not agree to provide the same sort of punishment for the female degraded creatures as for the male degraded creatures. So this invidious distinction between females and males certainly should not be there and you should not be blind to the sentiment so far as males are concerned. I know it will be very difficult for us to get any support to this amendment. I would still appeal to the good sense of the House.

Rai HARENDRANATH CHAUDHURI: I formally move the amendments which are already before the House.

Kumar SHIB SHEKHARESWAR RAY: I beg to support the amendments which have just been moved.

The Hon'ble Mr. H. L. STEPHENSON: I have nothing to add to what I have just said except in regard to Annada Babu's remark just now. I should like to explain that Government have not swerved one inch from the attitude they took up from the very beginning on this Bill.

Babu ANNADA CHARAN DUTTA: May I submit by way of personal explanation that I did not mean the Hon'ble the Member?

The Hon'ble Mr. H. L. STEPHENSON: Government have been consistent the whole way through. They have left it entirely to the free vote of the members.

Professor S. C. MUKHERJI: So far as I am concerned, I think an explanation is necessary in this matter. I have kept a perfectly open mind and leave it to the decision of the Council. I am sorry there has been a slight misunderstanding over the matter.

The motions were then put and lost.

Mr. PRESIDENT: The question is that clause 10 stand part of the Bill.

The motion was then put and agreed to.

CLAUSE 11.

Mr. PRESIDENT: The question is that clause 11 stand part of the Bill.

Kumar SHIB SHEKHARESWAR RAY: I beg formally to move that in clause 11, line 3, after the word " girl " the words " who is not a prostitute " be inserted.

The motion was put and lost.

The following amendment standing in the name of Khan Bahadur Maulvi Wasimuddin Ahmed was, by leave of the Council, withdrawn:—

" That in clause 11, line 5, after the word ' imprisonment ' the words ' of either description ' be inserted."

SHAH SYED EMDADUL HAQ moved that at the end of clause 11 the following be added, namely:—

" and for the same offence or bad conduct, the Commissioner of Police may, by order in writing, exclude the offender from the local limits of his jurisdiction, for such period as he may consider expedient, but in no case for a longer period than one year at a time."

The motion was put and lost.

Mr. PRESIDENT: The question is that clause 11 stand part of the Bill.

The motion was put and agreed to.

Mr. PRESIDENT: (At 7-30 P.M.) Further consideration of this Bill is adjourned till 3 o'clock on Monday, the 20th August.

Adjournment.

The Council was then adjourned till 10-30 A.M. on Saturday, the 18th August, 1923, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta, on Saturday, the 18th August, 1923, at 10-30 A.M.

Present:

The Hon'ble the President in the Chair, the four Hon'ble Members of the Executive Council, two Hon'ble Ministers (the Hon'ble the Nawab Saiyid Nawab Ali Chaudhuri, Khan Bahadur being absent), and 86 nominated and elected members.

DEMANDS FOR GRANTS.

32.—Medical.

MINISTER in charge of DEPARTMENT of LOCAL SELF-GOVERNMENT (the Hon'ble Sir Surendra Nath Banerjea): I move that a sum of Rs. 27,410 be granted for expenditure under the head "32.—Medical."

Of this sum of Rs. 27,410, Rs. 25,000 have to be paid to the Calcutta Nursing Institute. The reason for this additional grant is this. Last year we paid Rs. 1,25,000 to this institute. We appointed a Committee under the presidency of the Hon'ble Sir John Kerr in order to devise means for the purpose of affording stability to the financial position of this very useful institution and this Committee reported that the Government grant should be permanently raised to Rs. 1,00,000 a year. In accordance with the recommendation of this Committee, we recommend that this grant of an additional sum of Rs. 25,000 be voted. I need hardly remind the Council of the claims of this most useful institution upon the generous consideration of this House. The balance (Rs. 2,410,) has to be paid for stores ordered by the High Commissioner.

With this explanation I beg to move that this sum be granted.

The motion was put and agreed to.

33.—Public Health.

The Hon'ble Sir SURENDRA NATH BANERJEA: I move that a sum of Rs. 52,500 be granted for expenditure under the head "33.—Public Health."

The details of this grant are as follows:—

Rs. 17,500 for anti-malarial operations.—The House will agree that this is a most useful purpose to which money should be devoted.

Rs. 5,000 for the Maternity Service League at Dacca.—A most useful institution which is doing admirable work at Dacca in connection with child welfare.

Rs. 10,000 to be granted to the Berhampore Water-works.—The water-works were in difficulties. They nearly collapsed. The authorities did their best to put their house in order and they solicited assistance from Government. Government felt that in a case of this kind where a local body had done its best to re-establish itself, aid should be granted, and we accordingly decided that a sum of Rs. 10,000 be given as a grant to the Berhampore Water-works.

Lastly, comes the Rs. 20,000 which is an extra grant for quinine. The House always attaches very great importance to the grant for the distribution of quinine. I am sure that the House will agree that this sum should be voted.

With these remarks I beg to move that this sum be granted.

The following motion standing in the name of Babu Satish Chandra Mukharji was, in the absence of the member, deemed to be withdrawn:—

"That the demand of Rs. 10,000 under the head '33.—Public Health—Scheme 3' be refused."

The Hon'ble Sir Surendra Nath Banerjea's motion was then put and agreed to.

35.—Industries.

SECRETARY to GOVERNMENT, DEPARTMENT of AGRICULTURE and INDUSTRIES (Mr. J. T. Donovan): I move that a sum of Rs. 2,120 be granted for expenditure under the head "35.—Industries."

As is shown in the Grey Book this sum is necessary for the passages of two scholars going to England which we had omitted to provide.

The motion was put and agreed.

37.—Miscellaneous Departments.

MEMBER in charge of DEPARTMENT of FINANCE (the Hon'ble Mr. J. Donald): I move that a sum of Rs. 15,700 be granted for expenditure under the head "37.—Miscellaneous Departments" in connection with the participation of Co-operative, Industries and Agriculture Departments in the Calcutta Exhibition as a preliminary to the British Empire Exhibition.

This is set out in the memorandum and given effect to the scheme which has already been approved of by this Council.

Rai HARENDRANATH CHAUDHURI: I move that the demand of Rs. 15,700 under the head "37.—Miscellaneous—Participation of Co-operative, Industries and Agriculture Departments in the Calcutta Exhibition as a preliminary to the British Empire Exhibition," be refused.

While it is curious that the Hon'ble Mr. Donald is going to make a demand the necessity for which has been explained in a memorandum issued by the Agriculture and Industries Department, it is a pity that the Government which is anxious to advertise itself as a reformed Government is coming forward with such a demand in utter disregard of the present feelings of the people of this country against participation in the British Empire Exhibition. For whatever might have been the feelings of some of us towards such a question in last January, something has happened in the meantime which must have caused a good deal of heart-searching amongst all true Indians and which must have made many of us revise our ideas and attitude with regard to participation in such an Imperial pageant. How serious must have been that event, how unexampled and unexpected must have been that incident, how "profound" must have been "the humiliation" and "deep, the affront to India" which could have made a sane and sober politician and a loyal and liberal statesman like the Right Hon'ble Mr. Srinivasa Sastri to advise the Indians not to take part in the British Empire Exhibition! Sir, segregation at one place, association at another certainly go ill together; and I ask the Council to endorse the view of this prince of Indian moderate politicians. Sir, I hope the Council will rise to the height of the occasion and reject this demand and refuse to associate with those who are only too anxious, as a distinguished dominion representative said the other day, "to place the Indians where they should be." Indians, Sir, cannot and should not think of participating in the British Empire Exhibition unless and until the Kenya decision is reversed.

Mr. PRESIDENT (the Hon'ble Mr. H. E. A. Cotton): I desire to make it perfectly clear that we cannot have any discussion on the details of anything that may have happened with regard to Kenya. Succeeding speakers should follow the example of Rai Harendranath Chaudhuri, and keep themselves strictly within this ruling.

Kumar SHIB SHEKHARESWAR RAY: In January last when the Government resolution recommending our participation in the British Empire Exhibition was passed by this Council, some of us including my humble self had opposed it on the ground that we are too poor to spend money for such a purpose in a foreign land. Some of us had then thought that such an exhibition would not conduce to any good

to our country, but would rather be productive of greater harm. However, Sir, the majority thought otherwise and supported the resolution which was carried with a reservation that in as much as the sanction of the budget was in our hands, we could very well refuse the demand later on if we did not wish to spend anything in this connection. We were also given to understand that we were going to exhibit our goods as equals, and as others who are citizens of this vast Empire were going to take part in the Empire Exhibition, it would be mean and undignified on our part, their fellow-citizens and compeers, to remain moping in the corner and not participate in this great event. It was supposed and we were given to understand that such participation would promote mutual cordiality between us and all our fellow-citizens of the Empire, that along with our business relationship, mutual respect and comradeship would increase and that, in short, a participation in this exhibition would only establish on firm grounds our Empire citizenship. But, Sir, the atmosphere has changed a good deal since the passing of that resolution. We have been declared the helots of this noble Empire. The highest authorities in the Empire have declared, in no mistakable terms, that we, Indians have no right to claim equal citizenship in this Empire.

Mr. PRESIDENT: I am sorry to interrupt you, Kumar Sahib, but you must keep within the bounds of my ruling. Rai Harendranath Chaudhuri did it extremely well and I think you can also do it.

Kumar SHIB SHEKHARESWAR RAY: My point is this: that we will not be treated on equal terms with other citizens but as helots and coolies there. That is my proposition and I am going to develop my point with your permission. We, the Indians, are all right when we serve the purposes of the favoured ones who are really the citizens, we are all right when we face the dangers and difficulties which the favoured ones cannot well do, we are patted on the back as long as the shedding of our blood is needed in the interests of the Empire——

Mr. PRESIDENT: You cannot go into all this as it is not the subject-matter under discussion. All we are discussing here to-day is the question of the refusal of this demand, and in order to establish your refusal general principles may be laid down. But we cannot have any discussion of the matters you are elaborating.

Kumar SHIB SHEKHARESWAR RAY: I bow to your ruling What I beg to submit is that it does not matter in the least whether the Bengal Government which has an income of 10 crores of rupees should grant Rs. 15,000 or not. It is not that. It is a matter of principle: are we going to spend a single copper pie when we know that we, the Indians, are being treated as brown niggers and not as equals. Sir, we are welcome citizens as long as we sweat and perish to make the

lands habitable for the favoured ones, but once when the purpose is accomplished, we are nowhere. We can then no longer be suffered to live or breathe the same air. Sir, Kenya and South Africa have supplied to us this disillusionment, and we shall ever remain thankful to those politicians for having done us this great good. They have made us, the so-long deluded ones, realize our real status, the helots of the Empire, the beasts of burden, and our motherland, an emporium of raw materials, to be wrought and moulded and exploited according to the pleasure of the favoured ones.

However, Sir, as this British Empire Exhibition is going to be an exhibition for the citizens of the Empire, can we, the Bengalis, can we, the helots and coolies, can we, on any account, join it willingly and of our own accord, if we have the least spark of self-respect in us? Under the Indian constitution the Government has the power to certify expenditure. Let the Government do whatever they please, but we, ourselves, the representatives of the people here, can be no party to such heaping of insults on our heads; we, ourselves, cannot participate in an exhibition which is going to be nothing but an exposition of our inferior status and utter degradation and helplessness.

Babu INDU BHUSHAN DUTTA: I join hands with my friends, Rai Harendranath Chaudhuri and Kumar Shib Shekhareswar Ray, in refusing the grant that has been asked for this morning. I do so on three grounds: first on industrial grounds, second on economic grounds, and the last, but not the least, on political grounds. As I mentioned in January last, when I opposed the principle of participation in the British Empire Exhibition, I repeat it to-day that for an industrially deficient country like India, participation in this exhibition can bring us no good. It is an open secret now from the published speech of Lord Ronaldshay and some other eminent men, qualified to speak on the subject, that the main object of the exhibition is merely to give facilities to British capital and British enterprise to develop the raw materials of India and other parts of the British Empire. Now, Sir, are we going to help that project? Are we, who have to import most of our requirements from abroad, going to send our raw materials as exhibits to England and help England to develop her industries at our expense? I am sure that this Council will have no hesitation in expressing its clear views in this matter. On the last occasion in January, some members of this Council were clever enough to point out that we should find a ready market for special products like Dacca muslins, *chikan* works, embroidered slippers, etc., in England. I have never heard a more amusing story. During the last 150 years, the international trade developers and the European merchants have been trying their hardest to increase the trade between England and India. Have they succeeded in finding an European market for these special goods of Bengal. Not at all. I have been to England myself and I know the

love of the English people for their home industries. Take the case of the Bryant and May's matches. They would rather pay heavily for these matches than go in for cheap Swedish ones. They may purchase fancy foreign articles but not those for ordinary use.

Then, Sir, economically this demand is absurd. Here is a proposal, a serious proposal before this Council to send a gentleman to England to help this exhibition. What is the High Commissioner doing there? Can he not help?

Mr. PRESIDENT: That is another demand which comes later on.

Babu INDU BHUSHAN DUTTA: Coming to the political question, in January last, many members on the moderate side of the House, were jubilant that they were going to get a chance of sharing fraternal hospitality in England as partners of that great and glorious British Empire, over which the Sun never sets. In our student days, we read the statement of a critic, who said in jest, about the holy Roman Empire that it was neither holy, nor Roman nor was it an empire. I ask all the members of this Council to answer in all seriousness—do they feel that they are equal partners in this British Empire? Does this British Empire really exist for us, Indians? After the recent happenings, I must say that it does not. We read in the history books that when Great Britain was dependent on the Roman Empire, there used to be victory processions along the streets of Rome and Britain used to participate in them, not as equal partners but as helots. Are we going to repeat the same story to-day? I ask all the members of this Council to seriously consider this position. I ask all the British members of this Council to say were they proud of the achievement in those days in the Roman Empire Exhibition? I hope that every member of this Council will clearly think that not only is it a shame but that it is an insult to be asked to take part in this exhibition not as partners but as helots. I think that it is time that the Bengal Council should tell the world that they have begun seriously to consider this matter and to show by their action that they know how to translate their thoughts into action.

Dr. PRAMATHANATH BANERJEA: Exhibitions are useful or otherwise according to the objects which the promoters have in view and according to the method by which exhibitions are carried out. The Calcutta Exhibition will not be an independent organization but will only be a preliminary to the British Empire Exhibition to be held in London. Therefore, participation in the Calcutta Exhibition will mean participation in the British Empire Exhibition. Now, there are very strong grounds on which we ought to refuse to participate in the British Empire Exhibition. These grounds are partly economic and partly political. What is the object which the organisers of the

British Empire Exhibition have in view? It is to make the British Empire economically self-sufficient. Does India stand to gain or lose by this arrangement? I believe India stands to lose. India is mainly a producer of raw materials and a purchaser of manufactured goods. We want to develop our agricultural produce, and it does not matter to us whether our goods go to places within or outside the Empire. In the matter of manufacturing industries, we want gradually to build up our own. But so long as we are dependent on foreign sources, it is not much concern to us whether the finished goods we require come from England or Germany or America.

There is a possible danger involved in the idea of Imperial self-sufficiency. If this idea grows, our fields both for exportation and importation may be greatly narrowed. The economic interests of India demand that her exports should find as extensive a market in the world as possible so that she may sell her goods at the best price possible. It is also desirable that India should have a free choice as to what country to buy from so that she may buy as cheap as possible. As things stand at present, we are sometimes compelled to pay higher prices because we are forced to buy our goods in Great Britain. This disadvantage will be greater if we accept the idea of the economic self-sufficiency of the British Empire. Our economic activities, already small, will be further restricted. India is weak, England and the other parts of the Empire are strong. So in any Imperial arrangement the economic interests of India are bound to suffer.

I come now to the political aspect of the question. What is the position of India in the Empire? India is a subject country, while England and the self-governing Dominions are free. Now can there be any real friendship between a free people and a subject race? Friendship in such a case can only mean domination by one party over the other. And what is the treatment that is meted out to us in the other parts of the Empire. There is the colour bar everywhere. You all know the attitude of not only self-governing Dominions but of some Crown Colonies towards us and our position is one of shame and humiliation. The recent happenings in a certain colony have proved conclusively the hollowness of all the professions of Imperial citizenship and so forth with which British and British Indian politicians have so long tried to soothe us. Sir, in obedience to your ruling, I shall refrain from discussing the details of the treatment which has been meted out to us in some of the colonies, but I will conclude with one observation. This Council—at least the elected portion of it—cannot afford to ignore public sentiment, and we all know in how unmistakable a manner public opinion has expressed itself in the matter on some of the recent happenings in certain parts of the Empire. The feeling of resentment throughout the country is deep and intense and this Council will be flouting that opinion in the most flagrant manner if it agreed to vote this grant ignoring what had

happened in another part of the British Empire. I therefore urge with all the emphasis that I can command that this demand should not be granted.

Major HASSAN SUHRAWARDY: I rise with a good deal of diffidence to participate in a debate like this which has excited the deepest feelings of resentment amongst my countrymen. As an Indian I heartily join in condemning the action of those British statesmen who have treated the rights of the Indians in Kenya with scant courtesy. I trust I shall not be misunderstood when I say that the main issue at the present moment is not the question of treatment of Indians; but the question is whether we should vote for or refuse the grant of the demand in connection with the British Empire Exhibition. Mr. Donovan in January last, in a clear and lucid speech, explained and set forth the reasons why Bengal should participate in the Empire Exhibition. I think we have definite interests to advance. I submit it will help to create for Bengal a market in the European countries for her various products of Art and Industry. I do not agree with my friend, Babu Indu Bhushan Dutta, that the Europeans do not appreciate Indian works of art. Works like *kashida*, *chikon*, and gold embroideries, most of which are almost purely Muhammadan industries, are kept alive by the patronage of the Europeans both in this country and abroad. I know from my association with them that they appreciate and pay a very good price for all kinds of the better class of oriental work of art. It is only the cheap and nasty things that they reject. They go for quality and have the money to pay for it. The statement that the Englishman is so clannish that he will only use matches of English manufacture, I am afraid, is not correct. If they decline to use Swedish and Japanese matches they must be inferior to the British-made articles. One might inquire of the Muhammadan traders in the districts of Hooghly, Howrah and Dacca, where most of the work referred to above are produced, whether they have got a ready market in India or abroad? They will say it is in Europe and America that they find the best purchasers. Therefore, it would be a great advantage if we participate in the British Empire Exhibition and show to the British people what we can produce. Besides economic advantage, it will serve to show that section of the British people who are against Indians that the Indian people are not barbarians who can only show brute force and they have given a good account of themselves in the late war. They will realize that the Indians are also a highly civilised people fit to be given the rights of equal citizenship with the rest of the cultured population in the civilised world. How long can they ignore us? How long can they trust us unjustly? The Kumar Sahib has referred to the treatment of Indians by Englishmen and compared it to that of the Britons by the Romans in ancient times. But the conclusion from it to my mind is that it did not pay the Romans to ill-treat the Britons. To-day, where are the Romans

and what is the condition of the British? Is not the British Empire greater and mightier than what the Roman Empire ever has been? To-day, a certain section of the British people can afford to flout our sentiment and forget that we produced the fine Dacca muslins when they did not know the use of civilised garments to cover themselves with. The remedy lies with us by our endeavours in different spheres we should demonstrate that we are in no way inferior to them and we are sure to secure equal treatment. Refusal of a grant is within our rights, but are we going to use our most effective weapon at the very outset? When negotiations are going on no experienced labour leader will precipitate "strike." More could be obtained by judicious negotiations with the employees of labour than by such means as intimidation and strikes. When everything else fails then, we shall play our trump cards. The Viceroy him-elf has expressed his sympathy with us, in the question of Kenya.

Mr. PRESIDENT: Dr. Suhrawardy, we cannot go into all that, we are not concerned with what the Viceroy did or did not say.

Major HASSAN SUHRAWARDY: Very well, Sir, but I simply wanted to say that we should not lose sight of our own interest because a certain section of the British people have been unjust to us. We have entered our emphatic protest and I consider that that ought to be enough for the present. No good General would call out his reserves to fight at the first brush with the enemy. It is not judicious. I agree with my countrymen that we have been very badly treated in some parts of the British Empire, but in the present question of the voting of grants for participation in the British Empire Exhibition I cannot agree with the mover of the amendment to refuse the demands.

Mr. W. L. CAREY: Before I make any speech I should like to settle a small point, and that is that the question of participation in the Calcutta Exhibition does not carry with it an undertaking to participate in the London Exhibition. With regard to the whole subject of this vote, may I be permitted to state that by granting or refusing this vote the Council is not adopting the best and the right way of treating the subject? In a manner of speaking I have been in at the whole of the question since the beginning of it a few weeks ago. I had the privilege of hearing the debate in Simla and spending a whole day in the House listening to it and also of discussing it very fully with friends in the assembly both Indian and European. We sympathise entirely with the Indian point of view and with the feelings of disappointment which have arisen in the country by the compromise and arrangements arrived at. I cannot go into that here because I would not be allowed to nor is it immediately relevant to the main point under discussion. I would only remind the Council and those members of it in particular who are suggesting the opposition to this vote that

here is another side of the question. It is abundantly clear from much that has been written and said since the decision of the Cabinet in London was made known. There generally is another side to every question and the wise man is the man who tries to get both points of view before forming his own conclusions. Making every allowance for the feeling and the sentiment of India I do say that we should not allow ourselves as a Council to be blinded by our feelings. Action is very seldom the best if it is guided by the feelings of the moment. I think that perhaps the proposed method of expressing our opinion by refusing this grant is a little too weak. I am not sure whether it is really in keeping with the dignity which may be looked for from this Council and which I should like to think may be looked for from this Council, nor is it altogether in keeping with the dignity of India itself with its great history and great records. I do not think that our dignity will be raised by such an action as this and I would beg of you to take a larger view of things. Looked at from another angle I think it will do more harm than good if this vote is refused. The two exhibitions would, I believe, advance the industry of the province and of the country as a whole and the refusal to participate in them is really like cutting off one's nose to spite one's face. Those who are commercially interested in the Calcutta Exhibition and there are a great many of those and those who propose to be interested in the Empire Exhibition will, I am sure, hardly approve our action if this vote is refused when there are other and more proper methods of expressing our resentment over the decision of the Cabinet. If it were the only method of expressing that opinion it might be supported, but under the circumstances I do not feel that it is so. The absence of India or of any part of India from the Empire Exhibition in London, I do not think would be otherwise than unfortunate. The Exhibition itself would really hardly be affected, but I think it will be expressing a very small attitude on the part of Indian members of whatever legislature to refuse their grant and in that manner giving a very unfortunate impression. I would therefore very strongly urge upon the Council to accept the grant.

Rai MAHENDRA CHANDRA MITRA Bahadur: I beg to support the amendment moved by Rai Harendranath Chaudhuri. I consider it as my duty to support it. I had the opportunity of listening to the arguments on both sides. It is my duty to support the motion as a representative of the people in the Council. Sentiment, Sir, is a great argument and is not always to be rejected. If you ask the Council to consider the weight of public opinion one cannot but declare that it is for the view which has been taken by the mover, that is, the grant be refused. It has been argued—and I consider it a very strange argument—that we are to prove ourselves worthy of the occasion by voting for the grant. How can the proof be adduced when already a

declaration has been made by persons who are in authority that we are not a worthy people? Therefore, is it reasonable to contend before the Council that by voting for the grant we prove ourselves to be a worthy people. I should not justify such an argument when already they have made a declaration—a declaration that has quite naturally hurt the sentiment of the people of the country as a whole. It is also argued that we would be charged with disloyalty if we do not vote for the grant. I refuse to listen to such an argument. I say everybody knows that we are loyal to the very core and consequently such a view ought not to be taken. You cannot take the money unless there is an assent by the Council and for that purpose you have come to us to listen to the arguments which have been put forward by the representatives of the people and then you would be in a position to understand whether such a grant can be allowed. I emphasise that the sentiment of the people is quite against the grant. It has been said that it would be in keeping with the dignity of the Council if such a grant were allowed. What dignity have we, when we are already declared as unworthy people, pray tell me? The dignity of the Council, I say— and say it most emphatically—will be better maintained if you refuse the grant.

Babu SURENDRA NATH MALLIK: I entirely agree with Dr. Banerjea, as also with the rest of my countrymen, in thinking that the so-called Kenya Settlement is simply disgraceful. It is humiliating to us to the utmost degree. To my mind it seems that the present-day English politicians are very poor statesmen. It also shows that we cannot possibly have faith in all these protestations of justice that are being held out by British statesmen to us, and last of all I say, with the deepest regret, that it makes it impossible for us to believe, least of all to realize, that we are citizens of a great Empire. Such fads as the Empire Day and things of that sort cannot have any meaning if we are going to be treated like cats and dogs in other parts of the Empire. I entirely agree with my countrymen in thinking that the Kenya question has been the greatest blunder that British politicians have made in recent years.

But the present question is quite different. Here the question is whether we ought to make some contribution for exhibiting our economic products in England. It is absolutely a different matter. Here are the English people who have come down to rob us right and left with their merchandise and it ought to be our duty to get back as much of that money as we can. That is what we are going to do by participating in the Exhibition. So far as our products are concerned, they are indeed very fine, but they are very costly and everybody knows that they have got no market in India. We are a poor people and we cannot afford to purchase them. It is these Britishers and Americans with big pockets who can afford to purchase these goods. So by that

way we must get back some of our money. It is only a business proposition. We want to advertise our goods there and we ought to do that. It is absolutely to our own interest. We are a subject-race and we shall be a subject-race so long as we cannot work out our own salvation and Providence does not help. This economic development is one of the means of our salvation. So let us try to get back some of our own money. I look upon it purely as a business proposition. We have been taught by these British people the value of advertisement. They say that if you have got Rs. 100, put Rs. 10 on the product and Rs. 90 on the advertisement. It is, as I have said, purely an advertising matter. We make a little contribution and it might bring a little portion of our own money back to us and keep our indigenous arts and industries from starvation. It is entirely different from the question of our treatment abroad. We ought to pay for the exhibition and try our chance.

Rai NIBARAN CHANDRA DAS GUPTA Bahadur: It strikes me, that it is highly presumptuous on the part of the poor, to participate in the festivities of the rich—it is presumptuous on the part of the "blacks" to participate in the festivities of the "whites," it is utter presumption on the part of Indians to take part in any exposition or in any exhibition; and if any exhibition is needed, it is to be the exposition of our worthlessness in the exhibition, which is to be held in London. It is in no spirit of petulance, that I am going to support the amendment of my friend, Rai Harendranath Chaudhuri, but Sir, in response to a strong feeling in the country that we are mere "hewers of wood and drawers of water"—that we have no status in the Empire, and, as such, it does not become the representatives of the poor people of India to vote any amount of money for exhibitions and expositions, shows and festivities. I know hot words break no bones, and I know strong speeches will not influence the decision of this Council. But, Sir, it is absolutely necessary that we should voice the sentiments of the people which are quite against all these ostentations, when hundreds and thousands of our countrymen are dying like rats in poverty, in ill-health, and from malaria and other fell diseases, and are grovelling in ignorance for want of proper education. In this state of the country, it does not become the representatives of the people to vote any amount of money for the purpose.

Mr. J. CAMPBELL FORRESTER: The excitable harangue given by the Kumar was not up to his useful, thoughtful standard. Its tendency is undoubtedly to create racial ill-feeling. It is all the more regrettable as this is a matter which can only be looked at purely from an industrial point of view. An exhibition was held last year in Calcutta and if we were to ask the exhibitors what has been the result of that exhibition they would all undoubtedly reply—increased business and further success. Now, Sir, one of my friends in opposing the grant asks—"Does the British Empire exist for Indians?" and his reply is "No." But surely he does not for one moment mean

to say that the British Empire has not advanced the status of India and of Indians. Surely the civilised world are the best judges on this matter and we are perfectly contented to abide by that opinion. Mere rhetoric does not alter that decision. Sir, it is absurd to make an effort to defeat this worthy object which will distinctly help to improve the industrial conditions of India by dragging the proverbial red herring across the path on a decision that has been given by the Home Government that does not meet with some of the Indian members' approval. Attack this decision by all means if you do not like it but do not do anything so stupid as to do your country an injury by trying to curtail its industrial prosperity. It is purely an industrial proposition and members of this House who are businessmen will understand that before a business can be made a big success that business must be advertised in some shape or other. Then, Sir, this is an advertisement of an unique kind. We must participate in the exhibition to help on our industries and I do hope that the members of this House will vote for the grant.

Mr. F. E. E. VILLIERS: I should like to add a short word in opposing the amendment that has been moved by Rai Harendranath Chaudhuri. In doing so, I should like to take my stand very distinctly with my friend, Mr. Carey, in the words of understanding that he expressed with regard to the feelings of our Indian friends on the subject which really underlies the opposition of this grant. I think all of us who are thoughtful must realise that it is not unnatural for our Indian friends to feel hurt in their pride and I for one certainly and definitely dissociate myself from my friend, Mr. Forrester, when he says that the object of the Kumar Sahib's speeches was to excite racial feeling. I do not think for one moment that it is right to attribute that motive to the Kumar Sahib or to give serious regard to the expression of Mr. Mallik that Indians are being treated like cats and dogs.

Mr. J. CAMPBELL FORRESTER: On a point of order, Sir, I did not make that statement about cats and dogs.

Mr. PRESIDENT: Some other member thought fit to use the phrase and Mr. Villiers is referring to that.

Mr. F. E. E. VILLIERS: I should like to remind the House of a possible standpoint with regard to the question. The British Empire is analogous to a very large family of which the British Parliament is the parent and which as such finds itself in the somewhat difficult position of having to satisfy its various members in different stages of growth and development. I would ask the House to bear this in mind before they allow their sentiment in the matter of Bengal's participation in this Exhibition to outweigh sober judgment. Participation will probably do an immense amount of good. I think there is no doubt about that. The trade history of every progressive country shows that it is adver-

get at the very root of unemployment. Let the whole world know what we are producing. Babu Indu Bhushan Dutta, referring to English matches, says that the English people prefer them to cheap Swedish ones. That is because the English people want the very best value for their money. Let India show that she can also produce things which will give the best value for money and let them not stand apart—let their common sense and judgment get the better of this present feeling of pique. I hope my hon'ble friend, Rai Harendranath Chaudhuri, will see his way to withdraw his amendment.

Maulvi MUHAMMED MADASSUR HUSSAIN: At the outset I may say that I beg to support the demand for grant moved by the Hon'ble Mr. Donald. Sir, the demand has been opposed on the ground that the British do not treat us on equal terms, and secondly, the Kenya question has been raised, but Mr. President, to my mind, these questions are simply irrelevant and have no bearing upon the present question. What have we to do with equal partnership in the Exhibition? What have we to do with equal partnership in this connection, I cannot say. I think, Sir, these questions do not arise at all. Why is the Exhibition held? It is held in order to show, in the different cities and places where the Exhibition is held, the different products of different countries. The exhibition is not held for the purpose of proving to the world equal partnership. I do not think the question of partnership or equal partnership or question of equality is at all relevant in discussing these matters.

As regards equality of partnership of course every Indian wishes that we should be an equal partner in all matters with the dominions of the British Empire, but as the discussion of that question is not relevant to the present proposal I think the question should not be raised. Sir, a reference has been made to the Kenya question and the decision of the Cabinet in England about Kenya. But what has the Kenya question got to do with our participation in the British Empire Exhibition? I think we have nothing to do with it. The only question, the sole question, to be considered in this case is whether we shall be benefited if we participate in the Exhibition. If after mature deliberation we come to the conclusion that the Exhibition will not benefit us then let the demand be refused; but if, on the other hand, after mature consideration we come to the conclusion that the participation will be to our benefit then let the demand be granted. As I have submitted just now the Exhibition is held for the purpose of showing to the world the productions of different countries, and fine arts and other things made there.

I beg to say that I am the Secretary of one of the biggest central banks in Bengal and I may say with emphasis that this participation will greatly benefit the industrial and co-operative movement of this country. Sir, under my central bank there are several silk reelers and silk weavers and I have experience that some of the productions of my societies were sent to London and there they found a ready sale and

market. They were sent also to many other exhibitions and found a ready sale and market. If the productions are good and fine and if they are sent to the Empire Exhibition I have no doubt that they will find a ready sale and market, and it will not end there. The people of the different countries who will assemble in the Exhibition will see the products of our co-operative societies and will admire and purchase them; they will also carry the idea with them that the productions of our co-operative societies are good things and should be purchased. So, under these circumstances, this remark also applies to the agricultural productions, and I beg to submit that the participation of these co-operative societies in the Exhibition will benefit the country at large. It will carry on propaganda work in connection with the cottage industries of Bengal and will surely benefit the trade. For all these reasons, Sir, I think the demand should be supported.

Mr. S. M. BOSE: I am sorry I cannot support this demand for the grant of Rs. 15,700.

We are a fish-eating people, Sir, and we are supposed to be cold-blooded like fish. But even our cold blood boils at the insults that are being heaped upon our kith and kin residing in Africa. The speech of General Smuts——

Mr. PRESIDENT: I cannot allow you to cite what General Smuts said; it would be inappropriate. The speech is not before me.

Mr. S. M. BOSE: Time there was when the plea *civis Romanus sum* was an ample protection for a Roman in all parts of the world. But we, Indians, cannot claim the plea *civis Brittanicus sum* for we are helots, we are outcastes, we are pariahs, in every country under the British flag except India. Sir, if we are not British citizens, if we cannot claim the protection and status of British citizenship, what boots this so-called Imperial Exhibition?

Mr. Carey has just said that the proposed amendment is hasty and illogical and inconsistent with the dignity of the Council and would do India a great injury. Sir, I quite feel the weight, the cogency of these remarks, but I ask what else can we do? What other step is left open to us? We must do something. We are men, not sheep, and our dignify as a nation—quite apart from our dignity as members of this Council—demands that we should do something. Inertia is no longer possible. Will Mr. Carey or any other gentleman kindly suggest any other course? I, for myself, can see none and I am therefore compelled to oppose this demand for grant.

Mr. W. L. TRAVERS: The opposition to this amendment is based upon the fact that Indian opinion considers the Kenya question to be unjust. I would point out to those hon'ble members who have got that view that there are many thousands of Britishers in this country and

also in England who entirely agree and sympathise with their view that the Kenya decision is unjust, but having said that I would ask those gentlemen who are opposed to the grant to remember that opposition to vote money that is to forward the economic advancement of Bengal is not going to assist forward the political goal of Bengal towards democracy; on the other hand, it will have the opposite effect. So I would ask the members to consider the point carefully before they vote against this grant.

Mr. J. T. DONOVAN: I hardly think it is necessary for me to declare sympathy with the resentment which has been expressed in reference to a recent decision of the Cabinet. I do not know whether the Government of Bengal have yet considered this question. I am not for the moment speaking for the Government of Bengal, but as a citizen of the youngest dominion of the Empire, if you will permit me, I extend a hearty welcome to every member of this Council and to every Indian who comes or wishes to come to that dominion and I am sure each Indian will find there that his rights are in every way equal to those of every other citizen of the British Empire.

I was wondering, Sir, if the Kumar Sahib or Dr. Banerjea or any of those members who have opposed this grant had sent, shall we say, a *dhoti* to the wash and it came back with a single spot on it, would he cast aside the *dhoti*, and say I shall never send it back to the wash again? Would he not rather try again to wash out that spot? He would never say that because there was one spot on the *dhoti* the *dhoti* was no good?

Surely, if the Kumar Sahib and his friends who have supported him in this question had been anxious to be as fair as possible, they would have put forward both sides and admitted that round the wide circuit of the British Empire, except in this one outlandish spot in the centre of Africa, they are equal citizens with you, or me, Sir. They are being invited now into the heart of the Empire and there they will all know that they are equal citizens of the Empire. In London not only can an Indian exercise the ordinary rights of citizenship that I exercise, but the people have even selected Indians to represent them in the Mother of Parliaments. These things might have been mentioned in condonation of some of the other things which have happened and which have created resentment.

Now, Sir, are we going to ameliorate the position in the slightest by refusing this grant? In January last this Council by a vote of 2 to 1 decided that there should be an exhibition here in connection with the British Empire Exhibition, that there should be a preliminary exhibition in Calcutta. Committees were formed upon that decision. The people of Calcutta, the busy people of Calcutta, and the people throughout this province thought that the Bengal Legislative Council was a responsible body and that the Bengal Legislative Council by that decision

agreed to the principle of participation in the British Empire Exhibition and of holding in Calcutta a preliminary exhibition. Then, Sir, these busy men from one end of Bengal to the other, from every district of Bengal and from Clive Street and every part of Calcutta came forward and generously gave of their time and their labour. Men from all parts of Bengal came forward with their guarantees, the Bengal Chamber of Commerce leading the way with a guarantee of over a lakh of rupees. And why did they do this? Why did the people of Bengal behave in this way? Because they thought that the Bengal Legislative Council was a responsible body and even though there might be a difference of opinion in a responsible body, they thought that when it made a decision it would abide by that decision. These committees have got to work and have entered into contracts. Relying upon the faith of the Bengal Legislative Council they have entered into contracts, they have begun to set up buildings, they have committed themselves to the extent of about 4 lakhs of rupees for buildings for this Exhibition. And the Bengal Legislative Council upon which they relied are now asked to withdraw that support and to leave them in the lurch. And why? Because, forsooth, there is one black spot on the British Empire. Is this logical? Is this consistent? Is it consistent with the dignity of the Council? Is it consistent with its duty? I say it is not.

I now turn to the explanation of the grant. I find that in the discussion scarcely anybody wanted to know what the vote was about. They were all content to discuss the one somewhat irrelevant question and they never considered at all what this grant is for. It consists of a grant of Rs. 4,000 for the Industries Department of Bengal, Rs. 4,000 for the Agricultural Department, and Rs. 1,200 for the Co-operative Department, that is Rs. 9,000 and odd. This money is being taken from the Publicity grant, to which my friends in the corner have so often objected, and from the purpose for which it was intended under that head, it is now being diverted to a kind of publicity which even the Kumar Sahib in his severest moments will not condemn. We are now using this money, if you give it to us, in publicity work on behalf of the industries of Bengal. We are now gathering together in Calcutta what will be the greatest collection of cottage industries that has even been collected in Bengal. There will be many lakhs of rupees worth of cottage industries gathered from every district into Calcutta. Every district has come forward and agreed to supply them and when Mr. Indu Bhushan Dutta has seen them the delusion under which he is labouring that we have nothing to show will vanish for ever. That is the object of this Rs. 9,000 and odd.

The working up of these exhibits have been a labour of love with all the people who have undertaken it, but there is something which cannot depend entirely upon honorary work. We must have some whole-time officer attached to the Exhibition; we must have some responsible officer

who can devote his whole-time to that work and who has nothing else to do but that. For this purpose we have selected one of the best known of the Bengali officers of the Civil Service—Mr. Mitra. He is an officer with the widest acquaintance with this province; he is an officer who is intimately connected with the cottage industries and the co-operative movement in this province. We have selected him and asked the Government of Bengal to lend him to us and to let the Co-operative Department be carried on by somebody else during the months of November, December and the beginning of January. The Government of Bengal have realized what an advantage it will be to have Mr. Mitra in that position and they have consented to allow him to take up this work. The most of the rest of this provision is for the pay of Mr. Mitra during that period; the balance is for the pay of Mr. Mitra during that portion of the current financial year during which he will be in London and for the price of a return passage for him.

These explanations I think it is necessary to give to the Council in spite of the fact that the Council does not seem in the slightest anxious to get them. But these are the details of the demand which we are making. We shall come to another demand later on. I say that we shall show in this Calcutta Exhibition that, industrially and economically, we are being advantaged by such an exhibition. I trust that by sending exhibits to London and by sending a Bengali officer to London, who can hold his head high in the heart of the Empire by the side of the proudest citizen of Kenya, we shall further advance the cause which the Kumar Sahib and his friends hold dear to their hearts. [A voice. Question!]

There is a question from the corner, but I am not going to argue it. I trust, that on reconsideration even some of those who have opposed us will agree to pass this vote and will not let down the people who have worked for them, not let down the Bengal Legislative Council, for otherwise they will make it impossible to undertake anything in future by giving to the Bengal Legislative Council the reputation of veering round with the breath of every passing popular agitation.

The motion was put and a division taken with the following result:—

AYES.

Ahmed, Mr. M.
Banerjea, Dr. Pramathanath.
Bhattacharji, Babu Hem Chandra.
Bose, Mr. S. M.
Chaudhuri, Babu Tankanath.
Chaudhuri, Maulvi Shah Muhammad.
Chaudhuri, Rai Harendranath.
Chowdhury, Maulvi Fazlal Karim.
Das Gupta, Rai Bahadur Nibaran Chandra.
Dass, Rai Bahadur Pyari Lal.
Dutt, Rai Bahadur Dr. Haridhan.
Dutta, Babu Annada Charan.
Dutta, Babu Indu Bhushan.
Haq, Shah Syed Emdadul.
Khaitan, Babu Debi Prosad.
Mitra, Rai Bahadur Mahendra Chandra
Mukhopadhaya, Babu Sarat Chandra.
Ray, Babu Surendra Nath.
Ray, Kumar Shib Shekhareswar.
Roy, Babu Jogendra Krishna.
Roy, Babu Jogendra Nath.
Suhrawardy, Mr. Huseyn Shaheed.

NOES.

Ahmed, Khan Bahadur Maulvi Wasimuddin.
Ahmed, Maulvi Azaharuddin.
Ahmed, Munshi Jafar.
Ali, Munshi Amir.
Ali, Munshi Ayub.
Azam, Khan Bahadur Khwaja Mohamed.
Banerjea, the Hon'ble Sir Surendra Nath.
Birley, Mr. L.
Carey, Mr. W. L.
Cooper, Mr Charles C.
Crawford, Mr. T. C.
De, Mr. K. C.
Dey, Mr. C. C.
Donald, the Hon'ble Mr. J.
Donovan, Mr. J. T.
Duval, Mr. H. P.
Emerson, Mr. T.
Faroqui, Mr. K. C. M.
Forrester, Mr. J. Campbell.
Goode, Mr. S. W.
Hornell, Mr. W. W.
Huntingford, Mr. C. T.
Hussain, Maulvi Mahammed Madassur.
Karim, Maulvi Fazlal.
Khan, Maulvi Hamid-ud-din.
Khan, Mr. Razaur Rahman.
Maharajadhiraja Bahadur of Burdwan, the Hon'ble the.
Makramali, Munshi.
Mallik, Babu Surendra Nath.
Marr, Mr. A.
McAlpin, Mr. M. C.
McCay, Lt.-Col. David.
Mitter, the Hon'ble Mr. P. C.
Mukerjee, Mr. S. C.
Mukherji, Professor S. C.
Mullick, Babu Nirode Behary.
Philip, Mr. J. Y.
Raheem, Mr. Abdur.
Rahim, the Hon'ble Sir Abd-ur-.
Raikat, Mr. Prasanna Deb.
Rauf, Maulvi Shah Abdur.
Robertson, Mr. F. W.
Roy, Maharaja Bahadur Kshaunish Chandra
Roy, Mr. Bijoyprosad Singh.
Roy, Mr. J. H.
Roy, Rai Bahadur Lalit Mohan Singh.
Roy, Raja Manilall Singh.
Sarkar, Babu Jogesh Chandra.
Shakespear, Mr. W. A.
Skinner, Mr. H. E.
Stephenson, the Hon'ble Mr. H. L.
Stuart-Williams, Mr. S. C.
Suhrawardy, Major Hassan.
Travers, Mr. W. L.
Villiers, Mr. F. E. E.

The Ayes being 22 and the Noes 55, the motion was lost.

The Hon'ble Mr. Donald's motion was then put and agreed to.

41.—Civil Works.

SECRETARY to GOVERNMENT, PUBLIC WORKS DEPARTMENT (Mr. C. C. Dey): I move that a sum of Rs. 6,38,616 be granted for expenditure under the head "41.—Civil Works."

These works have already been noted in the Grey Book issued by the Finance Department, and explanatory notes have been attached by the various departments to show what these grants are for. The only ones to which notes have not been attached are one on page 21, one on page 23 and one on page 25. These are works which concern the Public Works Department directly, and I have since issued a memorandum to the members of this Council explaining what these grants are required for.

The following motion standing in the name of Babu Amulya Dhone Addy was, in the absence of the member, deemed to be withdrawn:—

"That the demand of Rs. 25,000 under the head '41.—Civil Works (Reserved)—Scheme 1' be reduced by Rs. 5,000."

Rai MAHENDRA CHANDRA MITRA Bahadur: I move that the demand of Rs. 11,500 under the head "41.—Civil Works—(Transferred)—Scheme 4" be refused.

I submit that I see that this amount is required for some additions and alterations in public offices at Charnock Place for the accommodation of certain offices. I consider that this should be refused. Although it is a very small item, looking at the financial stringency, I consider it necessary that it should be refused.

Mr. BIJOYPROSAD SINGH ROY: I move that the demand of Rs. 11,500 under the head "41.—Civil Works—Scheme 4" be reduced by Rs. 100.

My only object in moving this motion is to find out what will be the annual saving by the rearrangement of offices, because if the annual saving is substantial, then and then only should we sanction this demand, otherwise not.

Mr. C. C. DEY: The annual saving will be—

(*i*) for the office of the Chief Engineer, Public Health Department Rs. 567 a month;

(*ii*) for the office of the Superintendent of Police, Eastern Bengal Railway, Rs. 200 a month;

(*iii*) for the office of the Chief Engineer, Grand Trunk Canal, Rs. 1,024 a month.

This gives a monthly saving of Rs. 1,788 or an annual saving of Rs. 21,456, roughly, Rs. 21,500. This is the approximate saving expected.

The motion standing in the name of Mr. Bijoyprosad Singh Roy was then, by leave of the Council, withdrawn.

The motion standing in the name of Rai Mahendra Chandra Mitra Bahadur was then put and lost.

The following item was, by leave of the Council, withdrawn:—

Rai LALIT MOHAN SINGH ROY Bahadur and Rai MAHENDRA CHANDRA MITRA Bahadur: "That the demand of Rs. 75,000 under the head '41.—Civil Works—Scheme 5' be refused."

The following motion standing in the name of Babu Amulya Dhone Addy was, in the absence of the member, deemed to be withdrawn:—

"That the demand of Rs. 75,000 under the head '41.—Civil Works—(Transferred)—Scheme 5' be rdeuced by Rs. 5,000."

The following motions were, by leave of the Council, withdrawn:—

Mr. BIJOYPROSAD SINGH ROY: "That the demand of Rs. 75,000 under the head '41.—Civil Works—Scheme 5' be reduced by Rs. 100."

Rai MAHENDRA CHANDRA MITRA Bahadur: "That the demand of Rs. 5,352 under the head '41.—Civil Works—Scheme 9' be refused.

Rai MAHENDRA CHANDRA MITRA Bahadur: "That the demand of Rs. 40,000 under the head '41.—Civil Works—Scheme 12' be reduced by Rs. 13,000."

Mr. BIJOYPROSAD SINGH ROY: I move that the demand of Rs. 2,32,150 under the head "41.—Civil Works—Scheme 13" be refused.

In moving this amendment I beg to submit that I do so only on economic grounds. In the present financial condition of the Government I do not think that we shall be justified in sanctioning this expenditure. From the statement of the scheme which has been circulated to us, it will be seen that if the site in Ripon Street is acquired for the accommodation of the mounted police and buildings are constructed on it, the expenditure will be about Rs. 6 lakhs; so a cheaper scheme has been suggested, namely, the transfer of the Vehicles Department from Fenwick Bazar to Ballygunge, and the accommodation of the mounted police in the reconstructed buildings at Fenwick Bazar. The buildings at Ballygunge will cost over Rs. 5,75,000, and the buildings at Fenwick Bazar will again cost about Rs. 2,50,000. Of this, about Rs. 1,85,000 will come from the sale of the stables at Wellesley Place, but in spite of this, the total expenditure on the two buildings, one at Fenwick Bazar and the other at Ballygunge, will be about Rs. 7 lakhs or about Rs. 2 lakhs more than the building in Ripon Street. Thus, the building at Ballygunge is to be included in the new scheme of Calcutta police buildings by loan. I do not know whether the new Council which is going to be formed soon will sanction this loan for the Calcutta police buildings; so I do not think we can anticipate the sanction of the new Council, and moreover this reconstruction of buildings and acquisition of land and everything in connection which this large expenditure is necessary to effect an annual saving of Rs. 23,000, as has been admitted by the Police Department in the memorandum submitted to us.

There is another point. I should like to know whether the Government House stables will continue to remain in Wellesley Place; if it is allowed to continue there, then the objection on sanitary grounds will not arise, and if you agree to the removal of the stables for the mounted police from Wellesley Place, the next step will be the removal of the Government House stables from Wellesley Place; this means another huge expenditure. Successive private secretaries have used the chambers alongside the Government House stables and have found them quite satisfactory; so I do not think this question of sanitation should arise now. In this connection I should like to remind the House that when the Council started in 1921, it began with a surplus of about Rs. 2 crores, but the surplus in the current year's budget has been reduced to Rs. 5½ lakhs. Even if we had the expected savings according to the recommendations of the Retrenchment Committee, we

could not make this surplus more than Rs. 10 lakhs, and what is the sum covered by the supplementary demand for grants? It is this Rs. 10 lakhs. The result is obvious. I do not think I need make any more comment. My submission is this that we should not indulge in this new expenditure and thus try to handicap the new Council. We must remember that the new Council will have to make provision for the contribution to the Central Government, which must be made next year.

With these few words I move my motion.

Rai Dr. HARIDHAN DUTT Bahadur: When I sent notice of this motion, the original proposal was before us, but subsequently a revised project has been prepared and a memorandum circulated to us pointing out the altered opinion of the department. I find that the present scheme is not so costly as the original one, but I want to point out one thing in this connection, and that is this. The Corporation, it has been stated, has raised an objection on sanitary grounds to the stables in Wellesley Place, and the revised project is to build a stable in Fenwick Bazar thana, which is nearer to the Corporation house. I do not know what objection the Corporation can have to the stables in Wellesley Place, and not to a stable nearer its own business house. Whatever they may be I find that something has to be done in connection with these stables, because a portion of these stables has to be dismantled on account of the arrangement of the Standard Insurance Company. That being so, I ask leave to withdraw my motion.

Rai HARENDRANATH CHAUDHURI: I move this motion on two grounds. First as a protest against the scant regard with which the recommendations of the Retrenchment Committee regarding the Police Department have been treated by the Government, and secondly, as a protest against repeated rejection of the views and the vote of the Council regarding reductions in the Police Budget. As regards the first point I wish to point out that the Retrenchment Committee recommended a total reduction in the Bengal police expenditure of Rs. 26,28,000 and a total reduction in the expenditure under the head "Calcutta Police" of Rs. 8,13,000, that is, all told a reduction of about Rs. 35 lakhs. But we see the Government is not prepared even to accept one quarter of those recommendations. They are pleased to inform the public that the proposals of the Retrenchment Committee would be accepted to the extent of about Rs. 3½ lakhs only, so far as the Bengal police is concerned, and so far as the Calcutta police is concerned they are prepared to accept such recommendations of the Retrenchment Committee as are worth not even a lakh of rupees. As a protest against this treatment of the recommendations of the Retrenchment Committee I move this motion.

My next point is that since the inauguration of the Reformed Council we have all been trying to cut down police expenditure, but without

any success. So far as I remember in the budget for 1921-22, the only substantial retrenchment the Council could effect was of Rs. 2,83,000 for the married sergeants' quarters. That vote of the Council was rejected. In the budget for 1922-23 the vote of the Council with regard to the reduction of a demand of about a lakh of rupees on account of the mounted police did not stand. Then in the budget for 1922-23 the only reduction that could be made amounted to Rs. 94,000 and much of that has since been restored. In these circumstances, I think, we would be justified in refusing a further increase in police expenditure.

With these remarks I propose that the present demand be refused.

The following motion standing in the name of Babu Satish Chandra Mukharji was, in the absence of the member, deemed to be withdrawn :—

"That the demand of Rs. 2,32,150 under the head '41.—Civil Works—Scheme 13' be reduced by Rs. 1,16,075."

Rai MAHENDRA CHANDRA MITRA Bahadur: I move that the demand of Rs. 2,32,150 under the head "41.—Civil Works—Scheme 13" be reduced by Rs. 82,150.

I have one point to submit, and that is that the building may be constructed at a lesser cost. Lands may be acquired in the suburbs, and if this is done, the cost will be less. That is my suggestion.

Rai JOGENDRA CHUNDER GHOSE Bahadur: There is one very serious objection about the passing of this grant. Government have not yet made up their mind, and we are asked to pass this grant on the chance that Government may adopt some scheme other than that placed before us. I submit this is a procedure which cannot be approved. A scheme has to be brought before us, and the amount required for it has to be sanctioned. Government do not know their own mind, yet they come before us. Then the amount seems to me to be very large one. I cannot understand why the Corporation object to the stables in Wellesley Place on sanitary grounds, and should not object to a place on Ripon Street on the same grounds. What is bad for the gander is bad for the goose. It is an undoubted fact, Sir, that we are short of money, that large retrenchments are being made; deserving officers by thousands have been turned adrift. Now, Sir, to ask us in this state of things for an amount of Rs. 2,32,000 for housing a few sowars, whose number is not very large, seems to me to be unjustified at the present juncture. The sowars may be housed in a rented house. To a Government placed as if is now in a very precarious position, if the arrangement of housing these sowars in a rented house is cheaper—and I believe it would be cheaper—there is no reason why we should indulge in the luxury of large houses.

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Mr. H. L. Stephenson): I would like to deal first with the motion of

Rai Harendranath Chaudhuri: the grounds on which he brought forward his motion for the refusal of the grant are two. The first is that Government have taken no notice of the recommendations of the Retrenchment Committee. With regard to that, this is not the time for me to enter into a detailed discussion of the Retrenchment Committee's proposals. In introducing the budget I did point out to the Council that certain items of the proposals were based on wrong figures. I would here point out that this particular scheme is one which will carry out the recommendations of the Retrenchment Committee. As far as Calcutta is concerned, the greatest hope that they had was for Government to undertake a building programme and own its own buildings, and thereby effect a saving of the enormous sum of Rs. 4½ lakhs which they at present pay for rented houses. I have recently been through all the thanas in the north of Calcutta; there is not a single thana in which we are not paying an exorbitant rent. The Commissioner of Police has worked out a scheme for Government police buildings in Calcutta, buildings in which the police will be accommodated where there is no waste of space, and where the accommodation is suitable. I think when I bring that scheme before the Council I shall have no difficulty whatever in proving that financially that is a sound proposal, and that we shall have a lump sum saved on the rent of these buildings to enable us to provide for the interest on a loan and the repayment of the principal. All our police buildings are held on short leases, the majority of which will expire during the next two or three years, and when the leases expire the rent will go up by something between 20 and 30 per cent. and we shall have to pay; we shall have no other alternative. House-owners in Calcutta do not like renting their houses to the police; the Commissioner of Police has either to put pressure on the owners of the houses to make them let them to the police, which is entirely wrong, or on the other hand to show favour to them to induce them to do so, which is equally wrong. The Commissioner of Police in Calcutta ought to have nothing to do with hiring houses, he ought to be in an entirely independent position. What I want to point out to the Council is that this scheme is part of a much bigger scheme for police buildings in Calcutta.

The second ground on which Rai Harendranath Chaudhuri wishes to refuse this grant, is that he has been unable in the past to cut down police expenditure. The obvious reply is that the Council found that police expenditure could not be cut down, but apart from that, if he will take back his mind he will probably remember that last year in introducing the police budget, I showed that Rs. 6 lakhs was the inevitable demand on account of the rise in the time-scale of salaries. We sanctioned certain salaries, and unless we cut down these salaries the increase must go on year after year until the time when an equilibrium in the time-scales is reached, but putting aside this Rs. 6 lakhs our budget this year amounts to Rs. 9 lakhs less than last year.

Coming to the objection of Mr. Bijoyprosad Singh Roy, I will try to explain first of all why the municipality object to the mounted police stables in Wellesley Place, whereas they do not object to the Government House stables. The Government House stables are built for stables and there are within that courtyard proper arrangements for stalle refuse, and the whole paraphernalia. This will also be the case at Fenwick Bazar, therefore the Corporation have no objection to properly built stables in Fenwick Bazar. In the case of the mounted police stables in Wellesley Place, the stable refuse is put on the streets, and that is what the Corporation strongly object to. The Corporation have been very forbearing with Government on the subject; they have been mildly pressing it on our notice that this is insanitary, for the last three years, and Government's conscience has pricked them, and we feel that we are bound to do something. For the last two years I have been trying to work out a scheme for these stables. Many schemes have been prepared and have had to be rejected as expensive or unsuitable, but this particular scheme in Ripon Street was prepared by Sir Reginald Clarke before he left, and we inspected the place and came to the conclusion that though expensive it was the only place that would suit us. Since Sir Reginald Clarke has left the whole scheme has been again gone into by the present Commissioner, Mr. Tegart, and we have worked out a much more economical plan involving the transfer of the Public Vehicles Department to Ballygunge, where land is already in the possession of Government. This will enable the Motor Registration Office to be moved out of the Fenwick Bazar thana which is not a suitable place for registration. Nobody wants a place of that sort in the heart of the city, and we think the new scheme is going to be not only economical, but most suitable. We are going to take the Motor Vehicles Department out of Fenwick Bazar, we shall have Fenwick Bazar free and we are going to build our stables there.

If we dispose of the stables at Wellesley Place for something like Rs. 1,85,000 and if we add to this the saving of rents now paid for quarters and stables, the new stables which we are going to construct at Fenwick Bazar will only cost a little over half a lakh and that, I think, is a commercially sound proposition.

Then, Sir, with regard to the cost of the building at Ballygunge for the Public Vehicles Department, this includes the Motor Branch as well as the Hackney Carriage Branch. The Motor Registration Office is at present housed in Fenwick Bazar and the Hackney Carriage Branch in a hired house, two miles away from the Motor Registration Office at Fenwick Bazar. The result is that the superintending officers have to spend a good deal of their time between the two. If we get them together in one place, we should be able to reduce our staff by 7, 8, or 10 officers, and we should also be able to save the rent at present paid for quarters. We shall also have a very much better public vehicles service than we have got at the present time.

The question of the Rs. 5¾ lakhs for the Public Vehicles Department building is not at present before the House and when it comes up, I propose to include that in the general scheme for police buildings, and when I do that I hope I shall be able to show to the House that the loan as a whole is a financially sound proposition. As regards what I am asking for at present, I think the Council will agree that we must meet the Corporation, and if we can do so and provide really suitable stables for a sum of over half a lakh, it is well worth doing. We cannot dispose of the stables until we remove our mounted police to some other place, and the stables at Wellesley Place are unsuitable.

Babu SURENDRA NATH MALLIK: May I ask whether this House which is going to be built is going to be included in the general list of police buildings towards the construction of which a loan is going to be floated?

The Hon'ble Mr. H. L. STEPHENSON: Yes, it is one which will form part of the police housing scheme, but this we propose to go on with at once.

Babu SURENDRA NATH MALLIK: Surely, this has got to be built up at once. If it is not so done, then the Corporation will be obliged to prosecute the Government. But the question is, even if it is built now, will this be included in the loan for police buildings to be built hereafter?

The Hon'ble Mr. H. L. STEPHENSON: I should like to consider it further, but I think it might well be included in the loan. For the present purpose as we want the money at once, I would ask the Council to vote the sum.

The motions of Mr. Bijoyprosad Singh Roy and Rai Mahendra Chandra Mitra Bahadur were then put and lost.

Rai MAHENDRA CHANDRA MITRA Bahadur: I move that the demand of Rs. 75,000 under the head "41.—Civil Works—Scheme 14" be refused.

I notice that this is necessary for building purposes. So, the savings which have been effected are going to be spent on buildings—for whose benefit? It is for the private quarters of two officials of the Police Department. The two officers have managed to live all these years without Government buildings. My submission is that if they could stay for all these years without being housed in a Government building, they can stay for a short time more; and this money can be spent on other purposes, viz., in driving away malaria and kala-azar. It is for the Council to consider this suggestion of mine.

Rai HARENDRANATH CHAUDHURI: In spite of the observations made by the Hon'ble the Member in charge in reply to my last motion I am going to move this motion very much on the same grounds

as the previous one. The Hon'ble Member said that the Government could not give effect to the recommendations of the Retrenchment Committee because some of their recommendations were based on wrong information. Was that the reason why one quarter of them could not be accepted? Strange indeed! Further, it is said that in connection with the last budget that they actually made retrenchments of about Rs. 9 lakhs, of which Rs. 6 lakhs related to prospective expenditure. That may be the case but that is not the point. The question is not how far you are going to retrench your possible or prospective police expenditure, but how far you are going to reduce the present scale of expenditure in the Police Department, from which the Retrenchment Committee recommended a reduction of Rs. 35 lakhs.

Then, I would have been very glad if the Retrenchment Committee Report contained a recommendation about the buildings proposed in this demand. On the contrary I find that not only the Retrenchment Committee recommended no such thing but that this demand is brought forward simply because no effect is to be given to their recommendations. The Retrenchment Committee recommended that Government should abolish all posts of Additional Superintendents of Police except those for Mymensingh and two other big districts, but I see that a building is going to be provided for the Additional Superintendent of Police at Asansol at a cost of Rs. 37,500. It is a direct negation of the recommendation of the Retrenchment Committee.

Then, Sir, this motion includes another item. It is going to provide for a building for the Superintendent of Police, Nadia, on the ground that no private buildings are available at Krishnagar for the accommodation of the Superintendent of Police. How did the Superintendent of Police continue so long there is the question. Whatever may be the impression of the Government, we are informed by people who know much of Krishnagar that many buildings are available there on hire. So, I think that there is no urgent necessity for this demand.

The following motion standing in the name of Babu Satish Chandra Mukharji was, in the absence of the member, deemed to be withdrawn:—

"That the demand of Rs. 75,000 under the head '41.—Civil Works —Scheme 14' be reduced by Rs. 35,000."

Rai JOGENDRA CHUNDER GHOSE Bahadur: I cannot bring myself to support the Government in this demand for Rs. 75,000. It has just been mentioned to us that the Government is going to float a large loan for police buildings. Now for each of the houses it will cost Rs. 37,500 and the interests at 7 per cent. on that will be about Rs. 2,400 a year. That a good house cannot be had at Asansol or at Krishnagar for Rs. 200 a month I cannot believe. I suppose that one of the finest houses in Asansol can be had for Rs. 200 a month

and similarly in Krishnagar I do not know whether there is any house, however fine it may be, for which the rent is Rs. 200 a month. Therefore, as a matter of business proposition, I would humbly suggest that instead of spending this money on building houses, Government should do well to rent houses.

Mr. SYED ERFAN ALI: As my friend has spoken about the Superintendent of Police's house at Krishnagar, I would like to say a few words. I am a representative of that district and I have myself recommended to Government that the house was in a very bad condition and I do not understand why the members of this Council are against repairs being made to that building.

Rai HARENDRANATH CHAUDHURI: The demand is for a new house.

Mr. SYED ERFAN ALI: Practically it is a new building, the present one being absolutely in a very bad condition. I have seen the house myself personally and I recommend that the sum be voted.

The Hon'ble Mr. H. L. STEPHENSON: The main objection to this grant that has been brought forward is that these officers have managed all this time without houses and that therefore they can go on a little longer. The answer to that is that at Krishnagar the house in which the Superintendent of Police used to live, which, the last speaker has shown, is an impossible house, was recently sold by the owner to a man who proposes to live there himself. There is therefore no house for the Superintendent of Police at Krishnagar and the Maharaja of Nadia was one of those who strongly pressed upon Government the necessity of building a house at Krishnagar in the interests of the district itself. The present position of Government is that when we post a man to a station, and tell him to go there he replies, "where am I to live?" Government say—"We do not know." If they send a man to a station where there are no houses and where it is impossible to hire one, Government are bound to provide him with a house. They are not going to provide him free; he has got to pay the rent. So much for Krishnagar. The Maharaja of Nadia himself said that he would be here to explain to the Council the necessity for the house but I am sorry that he is not.

Then, Sir, as regards Asansol, I have not got the Retrenchment Committee's proposal by me, but I think that we should have no difficulty whatever in showing that the Retrenchment Committee when they recommended that the Additional Superintendents of Police should no longer be employed were not thinking of Asansol. The Additional Superintendent of Police at Asansol is in an entirely different position from the Additional Superintendent of any other district.

Asansol is practically a separate district of its own; the Additional Superintendent of Police attached to Asansol has to look after the collieries and is entirely responsible for the subdivision. I am informed that the Indian Iron & Steel Co. expect to import a new population of no less than 40,000 workmen in and around Asansol. I think that there is no likelihood of the Council recommending the abolition of the Additional Superintendent of Police at Asansol. He is there now and has no house of his own. In the case of the Superintendent of Police at Asansol, it is most undesirable that he should either have to depend upon the favour of the railway or upon the favour of a colliery. He is in a place where he ought undoubtedly to be in an entirely independent position. In Asansol a house can only be got not by a commercial transaction but by a deliberate favour of either a colliery manager or a railway official. Government naturally feel that that is a position in which the Superintendent ought not to be placed. As has been shown at the time the note was written, the Superintendent of Police was living in the Armed Inspector's quarters. He has moved now I think to the Circuit House for a short time but in October he will have to come back to the Armed Inspector's quarters. That is not a position in which Government ought to put a responsible officer. Therefore I ask the House to reject this motion.

Maharaja KSHAUNISH CHANDRA RAY Bahadur: I strongly support the demand made by the Hon'ble Member for building a house for the Superintendent of Police at Krishnagar. As a matter of fact the Superintendent of Police is in very great difficulty and it is highly desirable that he should get a house. In almost all other districts, the Superintendent of Police has got a house. The District Magistrate has got a house; so also the District Judge. The Superintendent of Police at Krishnagar has not got one and we cannot expect him to go and live in the bazar. At the present moment he is living in the Circuit House, but if any first class officer were to visit Krishnagar, he being a second class officer will have to vacate it immediately. We cannot possibly ask him to go and live under a tree. So, I think that this Council will vote his grant.

The motion of Rai Mahendra Chandra Mitra Bahadur was then put and lost.

The members being absent the following motions standing in their names were deemed to be withdrawn:—

Babu SATISH CHANDRA MUKHARJI: "That the demand of Rs. 60,600 under the head '41.—Civil Work—Scheme 15' be reduced by 10,000."

Mr. BIJOYPROSAD SINGH ROY: "That the demand of Rs. 60,600 under the head '41.—Civil Works—Scheme 15' be reduced by Rs. 10,000."

Mr. BIJOYPROSAD SINGH ROY and Rai LALIT MOHAN SINGH ROY Bahadur: "That the demand of Rs. 39,479 under the head '41.—Civil Works—Scheme 18' be refused."

The following motion standing in the name of Rai Mahendra Chandra Mitra Bahadur was, by leave of the Council, withdrawn:—

"That the demand of Rs. 38,479 under the head '41.—Civil Works —Scheme 18' be reduced by Rs. 18,479."

Babu SURENDRA NATH MALLIK: I move that the demand for Rs. 6,38,616 under the head "41.—Civil Works" be reduced by Re. 1.

The obvious reason for saying that the demand be reduced by a rupee is this: I wanted to make indictments against the Public Works Department wholesale. As this is almost the last day of the Council, I refrain from doing so. Moreover there is another difficulty. Most of the informations which I have got have been obtained through semi-official source and from confidential private source. Therefore, I am not entitled to use them. I wish to put questions if I happen to come back again next year and make them the basis of my indictments against the Public Works one after the other. I deeply regret that being in this unfortunate position I cannot honestly use the information which I have got, some through semi-official source and some through correspondence which is very largely confidential, and I have got to refrain from doing so to-day. Therefore, I only formally move this amendment.

The motion was put and lost.

Mr. PRESIDENT: The question is that a sum of Rs. 6,38,616 be granted for expenditure under the head "41.—Civil Works."

The motion was put and agreed to.

Expenditure in England.

The Hon'ble Mr. J. DONALD: I move that a sum of Rs. 1,900 be granted under the head "Expenditure in England" on account of deputation of a Special Officer in England in connection with the British Empire Exhibition.

This is the provision for the pay of the Special Officer for a portion of January and February.

Rai HARENDRANATH CHAUDHURI: In view of the fate of motion No. 35, I beg simply to move formally the motion that stands in my name:—

"That the demand of Rs. 1,900 under the head 'Expenditure in England—Deputation of a Special Officer in connection with the British Empire Exhibition' be refused."

Dr. PRAMATHANATH BANERJEA: It is a question of principle on which I ask the Council to refuse this demand. The reasons are substantially the same as those advanced by me in connection with another resolution. I have only to add that it would be absolutely inconsistent with our self-respect to participate in any way in the British Empire Exhibition. Some of my European colleagues have raised the question of the dignity of this Council. To me it appears that it is not a question of dignity but of self-respect. In this connection I desire to remove a possible misapprehension. It is not my intention to cast any doubt on the capacity of character of the officer whose name is associated with this demand. Mr. J. M. Mitra is an old and intimate friend of mine. But public duty stands higher than private friendship and in the interests of the country I feel bound to advocate a step which may involve some loss to Mr. Mitra. Whose Empire is it that we are asked to help and support? Does the Empire belong to us or do we belong to the Empire in the same way as a human cattle farm belongs to its owner?

Mr. PRESIDENT: We discussed all that extremely fully except the human cattle farm. That is the new point which you have introduced.

Dr. PRAMATHANATH BANERJEA: I would only take two minutes. The cup of our humiliation is full to the brim, and the time has come when we should stand up like men. I know that my words will fall on deaf ears so far as the majority of this Council is concerned. Still I feel it my duty to tell all whom it may concern that the people of this country desire to have neither part nor lot in an organization which is helpful to the perpetuation of their position of economic dependence and political subjection.

Babu SURENDRA NATH MALLIK: When I sent in this motion I wanted to now who this lucky officer was that was going to be sent. Since then I have come to know his name and I only congratulate him. He is a very good friend of mine.

Mr. J. T. DONOVAN: I do not suppose that the Council really wish that I should inflict myself upon them again and repeat a good deal of what I have said in spite of the fact that Dr. Pramathanath Banerjea insists upon moving this motion and speaking to it. This is part of the general scheme that an officer should go to England. We cannot trust to honorary workers there because we cannot control honorary workers and we cannot expect them to spend the whole day in Wembly. We have in fact a considerable number of honorary workers and they will help to relieve Mr. Mitra and help to reduce the expense of this province in connection with the Exhibition, but we must have one whole-time officer there to see to the work. Everybody is agreed

that Mr. Mitra is a most excellent selection. Dr. Banerjea will n doubt be relieved to know that it is a Bengali officer we are selecting

The motion of Rai Harendranath Chaudhuri was then put and los

The motion of Babu Surendra Nath Mallik was also put and lost.

The Hon'ble Mr. Donald's motion was then put and agreed to.

The Hon'ble Mr. J. DONALD: I move that a sum of Rs. 4,820 l granted for expenditure under the head " Expenditure in England.

This sum is required in connection with the stores for the Tropic School of Medicine. We had taken this sum out of the Medical Budg but omitted to put it in the High Commisisoner's Budget, the prop Budget Head.

The motion was put and agreed to.

Adjournment.

The Council was then adjourned till 3 P.M. on Monday, tl 20th August, 1923, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta, on Monday, the 20th August, 1923, at 3 P.M.

Present:

The Hon'ble the President in the Chair, the four Hon'ble Members of the Executive Council, two Hon'ble Ministers (the Hon'ble the Nawab Saiyid Nawab Ali Chaudhuri, Khan Bahadur, being absent), and 93 nominated and elected members.

Starred Questions

(to which oral answers were given).

Process-serving Department of Calcutta Police Court.

*LII. **Dr. PRAMATHANATH BANERJEA:** Will the Hon'ble the Member in charge of the Judicial Department be pleased to state—

(*i*) whether the Government of Bengal have framed any rule under section 86 of the Criminal Procedure Code for the service of processes issued from the Calcutta Police Court? If so, will the Government be pleased to lay a copy of the Rules on the table;

(*ii*) whether all the processes issued from the Calcutta Police Court are served only by the Police officers (literate constables) attached to the lock-ups of the said courts;

(*iii*) what control does the Chief Presidency Magistrate exercise over the Process-serving Department;

(*iv*) whether the serving officers do not, as a rule, go out till the "jail vans" leave the precincts of the police courts at about 6 or 7 P.M. and that the processes are served at night;

(*v*) whether considerable difficulty is felt by the litigants in the matter of the serving of processes on parties who cannot be found except during business hours (10 A.M. to 5 P.M.);

(*vi*) whether the Government contemplate instituting any inquiry to ascertain whether any corruption prevails in the process-serving department; and

(*vii*) whether the serving officers compel the litigants to engage either hackney carriages or motor cars for them?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Sir Abd-ur-Rahim): (*i*) The answer is in the negative.

(*ii*) No. The bulk of the processes in police cases and warrants are served by police officers attached to thanas. The balance (being mainly processes in complaint cases) are served by the Court Police staff, some members of which are attached to the lock-up and some not.

All processes against Europeans, Anglo-Indians and foreign Asiatics are served by European Sergeants.

(*iii*) He inspected the Registers on 23rd June last. The 3rd Magistrate at Bankshall Street and 2nd Magistrate at Jorabagan are in charge of the process departments. The Chief Presidency Magistrate exercises also control through watching records which come daily before him.

(*iv*) Serving officers are not necessarily detained till the departure of the jail vans. On account of the work involved in the preparation of processes, they are usually signed by the Magistrates in the afternoon and served after 5 P.M. In the case of witnesses not likely to be found in the evening, the processes are served early on the following day. In urgent cases processes are served immediately.

(*v*) In cases where witnesses cannot be found except during business hours processes are served during those hours.

(*vi*) The answer is in the negative.

(*vii*) No complaint of any such case has been made to the Chief Presidency Magistrate.

Mr. Griffiths and eradication of water hyacinth.

***LIII. Mr. S. M. BOSE:** (*a*) Will the Hon'ble the Minister in charge of the Department of Agriculture and Industries be pleased to state whether it is a fact that only two members of the Water Hyacinth Committee under the presidency of Sir Jagadis Bose supported the recent remedy of one Mr. Griffiths?

(*b*) Will the Hon'ble the Minister be pleased to state whether it is in the contemplation of the Government to employ Mr. Griffiths in the work of destroying water hyacinth?

(*c*) If so, what is the amount that will have to be paid to him?

(*d*) Is it a fact that Mr. Griffiths will be brought over from South Africa, and, if so, what will be the expense?

(*e*) Will the Hon'ble the Minister be pleased to state that if Mr. Griffiths is employed, from which fund the amount for his travelling (if any) and his pay will be met?

(*f*) Will the Hon'ble the Minister be pleased to state whether the sanction of the Bengal Legislative Council has been, or will be, obtained for the amount?

(*g*) Is the Hon'ble the Minister aware of the public feeling in the matter?

(*h*) Will the Hon'ble the Minister be pleased to state what steps the Government are proposing to take in the matter?

SECRETARY to GOVERNMENT, DEPARTMENT of AGRICULTURE and INDUSTRIES (Mr. J. T. Donovan): (*a*) The member is referred to the Report of the Water Hyacinth Committee and its appendices from which it will appear that while the President, Sir Jagadis Chandra Bose, together with Rai Nibaran Chandra Das Gupta Bahadur, Dr. Khambata, Babu Sarat Chandra Chakrabartti, and Khan Bahadur Hemayetuddin Ahmed were opposed to the utilisation of Mr. Griffiths' spray, Messrs. Evans, McLean, Godden, Rai S. N. Banerjee Bahadur and Dr. Sufi were satisfied about the efficacy of the spray, and the other members' opinions are not recorded.

(*b*) Government have taken steps to communicate with Mr. Griffiths to ascertain the terms on which he would be prepared to undertake an extensive demonstration of the efficacy of his spray, and until the estimated cost of such experiments is known Government cannot decide whether Mr. Griffiths should be employed or his spray be utilized for the purpose of the destruction of the water hyacinth.

(*c*) Government have come to no decision as to the amount which will be paid to Mr. Griffiths since they have not decided to employ Mr. Griffiths.

(*d*) If it were decided to employ Mr. Griffiths it would be necessary to bring him to India from wherever he happened to be, and the cost of his passage would presumably have to be paid.

(*e*) The only funds from which Mr. Griffiths' travelling and pay could be met, if he were employed, would be funds voted by the Bengal Legislative Council for this purpose.

(*f*) The sanction of the Bengal Legislative Council has not been obtained for any expenditure for this purpose. It would be necessary to obtain such sanction before any expenditure could be incurred.

(*g*) The Minister is aware of certain articles which have appeared in certain papers and periodicals in connection with this matter.

(*h*) Government propose to take the steps which are indicated in resolution No. 41-T.A.I. of 16th April, 1923, Department of Agriculture and Industries, and Government are seeking information from other Governments in India and elsewhere with a view to deciding upon the further steps which should be taken to combat the water hyacinth. They are also in communication with Mr. Griffiths with a view to finding out the minimum cost for which a further and more complete demonstration of his spray might be carried out.

Septic tanks' discharge in the Hooghly.

***LIV. Babu SURENDRA NATH RAY:** (*a*) Has the attention of the Hon'ble the Minister in charge of the Department of Local Self-Government been drawn to the report of the Health Officer of the Corporation of Calcutta on the results of his examination of some samples of water at the points where the septic tanks discharge their effluents into the river and the Khardah Khal?

(*b*) Will the Hon'ble the Minister be pleased to state whether the Government came to know of the state of things as elicited in the said report before the publication of the report of the Health Officer of the Corporation of Calcutta?

(*c*) If so, will the Hon'ble the Minister be pleased to state how and from what sources the state of things came to the knowledge of the Government?

(*d*) Did the Public Health Department of the Government admit any report regarding the same?

(*e*) If so, when did that Department admit the report?

(*f*) Will the Hon'ble the Minister be pleased to state whether he has received any report from Dr. Bentley regarding the septic tanks on the river Hooghly?

(*g*) If so, when was that report received?

(*h*) If the report has been received, will the Hon'ble the Minister be pleased to state when the special officer deputed to examine the condition of the septic tanks and the effluents therefrom finished his report and when it was submitted to the Government?

MINISTER in charge of DEPARTMENT of LOCAL SELF-GOVERNMENT (the Hon'ble Sir Surendra Nath Banerjea): (*a*) Yes.

(*b*) Yes.

(*c*) The reports of the Special Inspector of Septic Tanks and the Director of the Public Health Laboratory are received at regular intervals,

and the results are communicated to the Chief Inspector of Factories for necessary action.

(*d*) and (*e*) The questions are not understood.

(*f*) and (*g*) The comprehensive report on the whole subject which Dr. Bentley is preparing has not yet been received by Government, but a number of special reports on the septic tanks on the river Hooghly have been submitted to Government from time to time, viz., in July and August, 1922, and in February and March, 1923.

(*h*) The question does not arise.

Political prisoners now in jails.

*LV. **Raja MANMATHA NATH RAY CHOUDHURY:** (*a*) Will the Hon'ble the Member in charge of the Department of Revenue (Jails) be pleased to state—

(*i*) how many Bengali prisoners are still in jail who were convicted under section 124A or 157A of the Indian Penal Code or for infringing the provisions of the Criminal Law Amendment Act or the Seditious Meetings Act;

(*ii*) whether they are all being kept in Bengal;

(*iii*) how many of them are students;

(*iv*) how many of them are at present seriously ill; and

(*v*) how many of them died in jail during the last 3 years?

(*b*) Will the Hon'ble the Member be pleased to state whether the invalid prisoners are removed to jails, which are situated on hills or at a healthy place, for the benefit of a change, when required?

(*c*) Will the Hon'ble the Member be pleased to state what steps are taken to enable the student prisoners to prosecute their studies while in jail?

(*d*) Will the Hon'ble the Member be pleased to state whether the prisoners are allowed to take their respective habitual physical exercise?

(*e*) Will the Hon'ble the Member be pleased to state whether it is a fact that the Government are contemplating releasing them in the near future, having regard to the present political situation of the country?

MEMBER in charge of DEPARTMENT of REVENUE [JAILS] (the Hon'ble Mr. H. L. Stephenson): (*a*) (*i*) There are 15 such prisoners in jail.

(*ii*) Yes.

(*iii*) Two.

(*iv*) None.

(*v*) Two. One died in March, 1922, in Mymensingh after two days' illness from dysentry complicated with pyelo nephritis; the other died in April, 1922, in Midnapore after two days' illness from peritonitis.

(*b*) No such occasion has arisen.

(*c*) None.

(*d*) Yes; according to rules laid down in the Jail Code.

(*e*) Since the pronouncement made in the November session of the Legislative Council the Government have considered the cases of all prisoners in jail and have released a certain number. They do not contemplate releasing any more at present.

Establishment of a dispensary at Mirzapore in Tangail.

***LVI. Raja MANMATHA NATH RAY CHOUDHURY:** (*a*) Is the Hon'ble the Minister in charge of the Department of Local Self-Government aware that the want of a dispensary is very keenly felt at Mirzapore in the subdivision of Tangail and that the District Board is willing to build a dispensary there, provided that Rs. 5,000 is contributed towards the cost?

(*b*) Is it a fact that the headquarters of the most outlying thana in this subdivision are eighteen miles from the headquarters at Tangail?

(*c*) Are the Government considering the desirability of making an inquiry into the matter and providing the said amount or a good portion of it in order to remove a long-felt want?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*a*) Government have no information.

(*b*) Judging from the map, the question appears to be an understatement.

(*c*) It is for the District Board to take the initiative in this matter. Government—as their circular of June, 1922, indicated—are most anxious to encourage the extension of medical relief in rural areas, but the allotment made to give effect to their scheme, had to be greatly curtailed. The sum available has been all distributed and Government are at present unable to assist in establishing a dispensary at Mirzapore.

Chaukidari Assessment.

***LVII. Rai LALIT MOHAN SINGH ROY Bahadur:** (*a*) Will the Hon'ble the Member in charge of the Police Department be pleased to state what amount is annually spent in maintaining chaukidars?

(*b*) Is the Hon'ble the Member aware that the Union rate falls very heavily in most of the villages upon the poorer classes of people and that consequently it has become unpopular?

(*c*) Are the Government considering the desirability of reducing the maximum charges by one-third and of exempting the poorer cultivators who do not earn more than twelve annas a day?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Mr. H. L. Stephenson): (*a*) About Rs. 57,00,000. Reference is invited to statement H of the annual report on the Bengal Police.

(*b*) Government are aware that taxation is not popular. The assessment is made by the village panchayats.

(*c*) No. The maximum assessment was recently raised by the Bengal Village Chaukidari (Amendment) Act, 1922. The case of poorer cultivators is met by the provision that all persons who, in the opinion of the panchayat, are too poor to pay half an anna a month are altogether exempt from assessment.

Chlorine for sterilization of septic tanks in riparian tracts.

***LVIII. Rai LALIT MOHAN SINGH ROY Bahadur:** (*a*) Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state whether it is true that the main authorities in the riparian tracts of the district of Howrah and Hooghly do not use sufficient amount of chlorine in their septic tanks?

(*b*) Is it true that the Health Officer of the Calcutta Corporation has submitted a report on this subject to the Government?

(*c*) If so, what action are the Government taking in the matter?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*a*) In a certain proportion of cases the amount of chlorine actually used is not sufficient for purposes of sterilization, the reason being that the chloride of lime used in many cases does not contain a sufficient percentage of chlorine, and in other cases the mode of application is defective.

A new set of rules is being framed to deal with septic tank installations.

(*b*) The Calcutta Health Officer submitted a report to the Corporation—not to Government.

(*c*) A reference is invited to the reply given at this meeting to unstarred question No. 126 put by Babu Jogendra Nath Roy.

Government Bill relating to Calcutta University.

*LIX. **Dr. PRAMATHANATH BANERJEA:** Will the Hon'ble the Minister in charge of the Department of Education be pleased to state—

(*i*) whether it is a fact that on or about the 27th October, 1922, the Hon'ble the Minister forwarded to the Hon'ble Sir Asutosh Mukharji, then Vice-Chancellor of the Calcutta University, a copy of a Bill prepared by the Government for the reform of the University in order to obtain his personal views;

(*ii*) whether the Hon'ble the Minister is prepared to lay on the table the correspondence that passed between the local Government and Sir Asutosh Mukharji on the subject;

(*iii*) whether it is a fact that while a copy of the Bill was forwarded to Sir Asutosh Mukharji on or about the 27th October, 1922, the Government officially wrote to the University on the 13th January, 1923, declining practically to take the Senate into its confidence by supplying it with a copy of the Bill;

(*iv*) whether it is a fact that the Bill subsequently underwent certain modifications and was submitted to the Governor-General for sanction to introduce it into the Bengal Legislative Council;

(*v*) whether it is a fact that the Governor-General has refused to accord his sanction to the Bill? If not, will the Government state how the situation exactly stands;

(*vi*) whether the Government are prepared to lay on the table the correspondence between the Government of India and the Government of Bengal on the subject;

(*vii*) whether the Government are prepared to place on the table a copy of the first draft as forwarded to Sir Asutosh Mukharji on or about the 27th October, 1922, as also a copy of the revised draft which was submitted to the Governor-General for sanction;

(*viii*) whether it is a fact that the Government of Assam has opposed the introduction of the Bill; and

(*ix*) whether the Government are prepared to lay on the table the correspondence that has passed between the Government of Bengal and the Government of Assam on the subject?

MINISTER in charge of DEPARTMENT of EDUCATION (the Hon'ble Mr. P. C. Mitter): (*i*) As stated in the question a copy of the Bill was sent confidentially to the Hon'ble Sir Asutosh Mukharji.

(*ii*) The correspondence cannot be laid on the table as it is confidential and also because it is the practice to treat all papers relating to a Bill as

confidential until it is introduced in the Council or published in the *Calcutta Gazette* under rule 18 of the Bengal Legislative Council Rules, 1920.

(*iii*) It is not correct to say that the Government have refused to take the Senate into their confidence. The Government informed the University in their letter of January 13th that they would consider whether and at what stage the Senate would be consulted regarding the terms of the Bill which was at that time under the consideration of Government. The Vice-Chancellor was authorised to show to the members of the Senate confidentially the draft Bill which had been sent to him and to obtain their views upon it. A Committee of the Senate was appointed to consider the Bill and their views were forwarded to Government at the beginning of February.

(*iv*) Yes.

(*v*) No. The Bill is still under the consideration of the Government of India.

(*vi*) Government are not at liberty to disclose correspondence between themselves and the Government of India.

(*vii*) For reasons stated in answer to sub-clause (*ii*), the answer is in the negative.

(*viii*) Yes.

(*ix*) The Government of Assam did not write directly to the Government of Bengal opposing the introduction of the Bill.

Malaria and kala-azar in Netrakona.

***LX. Mr. S. M. BOSE:** (*a*) Is the Hon'ble the Minister in charge of the Department of Local Self-Government aware of the widespread outbreak of malaria in a virulent form in various parts of the Netrakona subdivision in Mymensingh?

(*b*) Will the Hon'ble the Minister be pleased to state whether it is a fact that cases of kala-azar are also occurring in these places?

(*c*) If so, what steps are the Public Health Department taking in the matter?

(*d*) Will the Hon'ble the Minister be pleased to state what steps the Government are taking or are going to take to check the spread of malaria and kala-azar in the subdivision?

(*e*) Is the Hon'ble the Minister aware that sometimes quinine is not available in sufficient quantities at some of the post-offices in the subdivision?

(*f*) Are the Government considering the desirability of taking steps to arrange for a regular supply of quinine at all the post-offices in the subdivision?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*a*) and (*b*) The answer is in the affirmative.

(*c*) and (*d*) Dr. Roy, Assistant Director of Public Health, Dacca Circle, was deputed to investigate and report. A copy of his report, dated the 20th July, 1923, is laid on the Library table. The action taken by the District Board appears to have been adequate. As regards kala-azar, the District Board is reported to have decided to train six permanent medical officers for such work.

(*e*) and (*f*) A shortage of quinine in some of the post-offices in the Netrakona subdivision was reported tc the Director of Public Health. He took immediate action to have the permanent advances of quinine in those post-offices doubled and also replenished as quickly and as often as required.

Persons domiciled abroad but residing in Bengal, and companies incorporated abroad but carrying on business in Bengal.

***LXI. Mr. S. M. BOSE:** (*a*) Will the Hon'ble the Member in charge of the Department of Revenue (Immigration) be pleased to state—

(*i*) the number of persons domiciled in the colonies of Great Britain, and residing in Bengal;

(*ii*) the number of such persons holding services under the Government of India and the Government of Bengal; and

(*iii*) the number of such persons, who are not under Government employment?

(*b*) Will the Hon'ble the Member be pleased to state how many companies incorporated in the colonies for—

(*1*) insurance; and

(*2*) for other business,

are carrying on business in Bengal?

(*c*) Will the Hon'ble the Member be pleased to state whether any Government buildings in Bengal are insured, and, if so, how many, and with which colonial companies?

MEMBER in charge of DEPARTMENT of REVENUE [IMMIGRATION] (the Hon'ble Sir Abd-ur-Rahim): (*a*) (*i*) One thousand and three hundred.

(*ii*) The information in so far as Bengal is concerned is being collected.

(*iii*) The information is not available.

(*b*) (*1*) Twenty.

(*2*) Nine.

(*c*) Government buildings are not insured.

Girls' School Teachers' Association.

*LXII. **Rai FANINDRALAL DE Bahadur:** (*a*) Will the Hon'ble the Minister in charge of the Department of Education be pleased to state whether the Director of Public Instruction received a deputation of the Girls' School Teachers' Association, Dacca Circle, in July last?

(*b*) If so, what were the grievances of the said Association in connection with female education in the Province mentioned by that deputation and what answers were given to them?

(*c*) Are the Government considering the desirability of removing the grievances of the girls' school teachers with regard to—

(*i*) pay and provident fund;

(*ii*) salary and stipend of the mistresses during the training period; and

(*iii*) special text-books for the girls' schools?

(*d*) If so, what steps are the Government proposing to take in the matter?

The Hon'ble Mr. P. C. MITTER: (*a*) Yes.

(*b*), (*c*) and (*d*) A statement of the points dealt with by the deputation is laid on the table. All these points which include those specified in the question are now before Government.

Statement referred to in the reply to starred question No. LXII (b), (c) and (d) showing the points that were touched upon by the deputation of the Girls' School Teachers' Association which waited on the Director of Public Instruction, Bengal, on 6th July, 1923.

(*i*) That the teachers in girls' schools were worse paid than those in boys' schools; they should receive better pay and that a provident fund should be established;

(*ii*) that hostels and teachers' quarters should be attached to all girls' schools, even apparently to primary girls' schools in villages;

(*iii*) that the text-books in use in girls' schools are not satisfactory; that there should be either special text-book committees to deal with girls' schools or that teachers of girls' schools should be represented specifically on the existing text-book committees, if possible by women;

(*iv*) that the present system of holding scholarship examination is not satisfactory; that examinations should be conducted by means of set papers and be for the award not only of scholarships, but also of certificates;

(*v*) that local authorities should provide specially ear-marked funds for girls' schools;

(*vi*) that women teachers under training should receive their pay while away at the training classes in the same way as male teachers do;

(*vii*) that on the Board or Boards of secondary education, teachers of girls' schools should be fully represented, if possible by women;

(*viii*) that practical training in house work as also careful training in hygiene should be made a compulsory subject in all girls' schools, even apparently in primary girls' schools: the cost of this provision should be imposed by law on the local education authorities;

(*ix*) that the women school inspecting staff and the staffs of Government schools should be recruited from the teachers of aided schools.

Contributions to thana and union hospitals.

***LXIII. Rai FANINDRALAL DE Bahadur:** (*a*) Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state—

(*i*) whether a circular was issued from the department in September last to the effect that the Government would contribute Rs. 500 to every thana hospital and Rs. 250 to every union hospital; and

(*ii*) whether that grant is being regularly paid in full to every hospital in accordance with the circular?

(*b*) If not, are the Government considering the desirability of making a provision in the next budget?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*a*) (*i*), (*ii*) and (*b*) The circular was issued in June, 1922. A provision of Rs. 1,50,000 was made for this scheme in the supplementary estimates of August, 1922, but financial stringency intervened and the provision was reduced to Rs. 15,000. This amount has been distributed to the several district boards which applied for grants according to the terms of the circular. This provision was repeated in the current year's budget and will again be included in the estimates for 1924-25. The Minister attaches great importance to this scheme and is anxious to expand its scope, but this must depend on the position of the provincial finances.

Mounted police force.

***LXIV. Rai FANINDRALAL DE Bahadur:** (*a*) Will the Hon'ble the Member in charge of the Police Department be pleased to state—

(*i*) the strength of the mounted police force both European and Indian in Calcutta;

(*ii*) the nature of their duties; and

(*iii*) how many of them are daily called for duty?

(*b*) Will the Hon'ble the Member be pleased to state whether it is possible to utilise their services for controlling traffic instead of it being done by ordinary police?

(*c*) If so, are the Government considering the desirability of formulating a plan to this effect?

The Hon'ble Mr. H. L. STEPHENSON: (*a*) (*i*) One Inspector, one sub-inspector, ten sergeants, five head constables and forty-eight sowars.

(*ii*) Patrol duty in north and south Calcutta, traffic duty, control of crowds on the maidan and elsewhere, control of crowds at all important festivals.

(*iii*) In normal times all officers and men do duty twice daily, morning and evening.

(*b*) The mounted police are employed at present in controlling traffic in addition to foot traffic police. The services of both are required.

(*c*) This does not arise.

Examination for recruitment to certain services.

***LXV. SHAH SYED EMDADUL HAQ:** (*a*) Will the Hon'ble Member in charge of the Appointment Department be pleased to state—

(*i*) the number of nominated candidates;

(*ii*) the number of vacancies in each of the services for which the examination was held in December last;

(*iii*) how many appointments have actually been made on the result of this examination for each of these services;

(*iv*) what is the constitution of the Selection Committee for the examination, and

(*v*) whether the members receive any remuneration for their services on the Committee, if so, how much?

(*b*) Will the Hon'ble the Member be pleased to state—

(*i*) the principle on which the Selection Committee nominated the candidates for the last examination;

(*ii*) what were the qualifications of each of the nominated candidates; and

(*iii*) what were the reasons for the nomination of those candidates

(*c*) Is it a fact that a certain number of candidates were rejected at the outset, that some were rejected after an interview, and that some were nominated without any interview?

(*d*) Is it a fact that candidates with honours and distinctions have been refused while those of ordinary career have been nominated?

MEMBER in charge of APPOINTMENT DEPARTMENT (the Hon'ble Mr. H. L. Stephenson): (*a*) (*i*) Two hundred for the combined examinations for the services enumerated below.

(*ii*) Forty-nine posts were originally advertised, of which 8 were in the Bengal Civil Service, 40 were in the Subordinate Civil Service and one was in the Bengal Excise Service. This number was subsequently reduced owing to financial stringency.

(*iii*) Twenty-seven appointments were made, of which 8 were in the Bengal Civil Service and 19 in the Subordinate Civil Service.

(*iv*) The Selection Committee consisted of six members, 3 official and 3 non-officials nominated by Government. The non-official members represented the main communal interests affected.

(*v*) No; but travelling allowance was admissible for journeys in connection with meetings of the Committee.

(*b*) (*i*) The Selection Committee was instructed to select those who were suited to become Government servants, bearing in mind that not only intellectual but other personal qualities are necessary in the public service. Subject to the proviso that not less than one-third of the selected candidates should be Muhammadans and not less than one-sixth either Anglo-Indians or members of the depressed classes, the Committee was directed to exclude such considerations as the politics of the candidate's relations, family status and caste. The selections were made in accordance with these instructions.

(*ii*) The necessary qualifications were detailed in rule 12 of the rules published in connection with the examination. All those selected fulfilled these conditions.

(*iii*) They were considered by the Selection Committee the most suitable candidates under the instructions referred to in (*b*) (*i*) above.

(*c*) Yes.

(*d*) Yes. The Selection Committee could not have carried out their instructions without doing this.

Jute forecast.

***LXVI. Babu DEBI PROSAD KHAITAN:** (*a*) Has the attention of the Hon'ble the Minister in charge of the Department of Agriculture and Industries drawn to the following passage in the Preliminary Forecast of the Jute Crop, 1923:—

"In consultation with the Director of Agriculture in Bihar and the respective District Magistrates in Bengal, the original estimates for Bengal and for Bihar and Orissa were raised by 10 per cent. which increment is included in the above figures"?

(*b*) Is the Hon'ble the Minister aware that the price of jute in the whole world is affected considerably by the forecast as soon as it is first published?

(*c*) Is the Hon'ble the Minister aware that on the 10th July, 1923, when the Preliminary Forecast of the Jute Crop, 1923, was first published in Calcutta this year, the district figures aggregating to 2,297,520 acres were announced as in the former years, without any indication being given that the District Returns had been increased by 10 per cent.?

(*d*) Is the Hon'ble the Minister aware that as a result of the acreage under jute announced on the 10th July, 1923, without the indication mentioned in (*c*) the rate for first grade assortments went down from about Rs. 60 per bale to about Rs. 53 per bale, and correspondingly for the other grades of jute, and that in consequence thereof Bengal has lost lakhs of rupees by reason of sales to foreign countries having been effected at the lower rates?

(*e*) Will the Hon'ble the Minister be pleased to explain why the facts, as contained in the passage quoted in (*a*), were kept back from the public for a week?

(*f*) Will the Hon'ble the Minister be pleased to state whether the Director of Agriculture in increasing the district figures by 10 per cent. was mainly moved by the consideration stated in the second paragraph of the Preliminary Forecast for Bengal, 1923, viz., "Deliveries were 56·11 lakhs of bales up to the end of May, 1923. Of the latter quantity 1·25 lakhs of bales is regarded as 'carry over' from the previous season of 1921-22 and the balance, viz., 54·86 lakhs of bales was the produce of last year's crop"?

(*g*) Was the Director of Agriculture aware that the 1·25 lakhs of bales were only the "carry over" in the Calcutta market and that it was the general belief that about 15 lakhs of bales were delivered during 1922-23 out of the crop of the season 1921-22?

(*h*) Does the Director of Agriculture still adhere to the estimate showing an increase of 10 per cent.?

(*i*) Will the Hon'ble the Minister be pleased to make a full statement of the reasons that influenced the Director of Agriculture to increase the district figures by 10 per cent.?

(*j*) Is the Hon'ble the Minister considering the advisability of publishing the crop figures in September next with as much accuracy as possible, and, if any increase be made on the district figures, of announcing the fact along with the figures?

(*k*) Does the Hon'ble the Minister intend taking steps so that the forecasts of jute are published in future with as much accuracy as possible?

Mr. J. T. DONOVAN: (*a*), (*b*) and (*c*) The answer is in the affirmative.

(*d*) The fall in rates is approximately as stated in the question but this fall is not necessarily a result only of the acreage under jute announced on the 10th July, 1923.

(*e*) On the 10th of July the district figures only were published as usual. Alterations in figures are frequently made in consultation with the Collectors.

(*f*) and (*i*) The Director of Agriculture was influenced in increasing the figures by 10 per cent. by several considerations, such as reports from Collectors and other officers, reports from other sources, results of his own inquiry into the matter, and chiefly by a desire to present an accurate forecast.

(*g*) The Director of Agriculture does not agree that the "carry over" from 1921-22 was 15 lakhs. He still believes that his own figure is much more nearly correct, and in this he has the support of a considerable volume of competent opinion.

(*h*) The answer is in the affirmative.

(*j*) The answer to the first part of this question is in the affirmative. With regard to the second part the Director of Agriculture will be asked to consider the advisability of notifying with his first figures any such alterations as are contemplated in the question.

(*k*) If it is decided to continue the forecast of jute in future every effort will be made to make the forecast accurate.

Babu DEBI PROSAD KHAITAN: With regard to (*k*), are the Government considering the abandonment of publishing the forecast of jute?

Mr. J. T. DONOVAN: The Government are considering the question of continuing the forecast of jute.

Cases of some political prisoners.

***LXVII. Maulvi HAMID-UD-DIN KHAN:** Will the Hon'ble the Member in charge of the Department of Revenue (Jails) be pleased to state—

(*i*) whether it is a fact that Kazi Nazrul Islam, a political prisoner in the Hooghly Jail, went on hunger strike, if so, for how many days was he on such strike;

(*ii*) whether it is a fact that his condition is serious;

(*iii*) whether it is a fact that as a result of continued hunger strike for over a month and confinement in an ill-ventilated cell, Srijut Gopal Chandra Sen, a political prisoner, has developed symptoms of phthisis;

(*iv*) whether it is a fact that on or about the 17th May, 1923, when Gopal Babu complained to the Superintendent of the Hooghly jail about acute pain in the chest he was neither examined nor was any medicine prescribed for him, and that on the evening of the 17th May, 1923, after forcible nasal feeding Gopal Babu passed blood and his pain became more acute;

(*v*) whether it is a fact that Srijut Satindra Nath Sen was transferred from Berhampore to Hooghly Jail and is suffering from pleurisy?

(*vi*) whether it is a fact that he was confined in one of the worst cells; and

(*vii*) whether it is a fact that Srijut Dalbahadur Giri has been sentenced to three months' imprisonment for refusing to give his thumb impression?

The Hon'ble Mr. H. L. STEPHENSON: (*i*) Yes, for 25 days.

(*ii*) His condition never caused any anxiety and he is now in good health.

(*iii*) Gopal Chandra Sen did not develop symptoms of phthisis. He was released on 26th May, 1923.

(*iv*) The answer is in the negative.

(*v*) Satindra Nath Sen was transferred from Berhampore to Hooghly. He has had pleurisy, but is practically recovered.

(*vi*) There is no difference in the cells.

(*vii*) Yes.

Case of one Kanai Das.

***LXVIII. Kumar SHIB SHEKHARESWAR RAY:** (*a*) Will the Hon'ble the Member in charge of the Judicial Department be pleased to state whether it is a fact that one Kanai Das was convicted by a Magistrate of Pabna in March, 1922, and sentenced to two months' rigorous imprisonment and a fine of Rs. 25 in default of rigorous imprisonment for one month more?

(*b*) Is it a fact that the fine was realized within two months of conviction under a distress warrant?

(*c*) Is it a fact that the realization of fine was not duly communicated to the Superintendent of the Jail and that in consequence the said Kanai had to undergo rigorous imprisonment for one month more?

(*d*) If the answers to (*a*), (*b*) and (*c*) be in the affirmative, what action, if any, are the Government proposing to take in the matter?

(*e*) Are the Government considering the desirability of paying any compensation to the said Kanai Das for his unwarranted detention in the jail?

The Hon'ble Sir ABD-UR-RAHIM: (*a*) Kanai Das was convicted under section 380, Indian Penal Code, on 4th April, 1922, and sentenced to two months' rigorous imprisonment and to pay a fine of Rs. 25 in default to undergo rigorous imprisonment for one month more.

(*b*) The fine was realised on 6th June, 1922.

(*c*) Yes.

(*d*) and (*e*) A sum of Rs. 36 was paid to Kanai Das as compensation by the bench clerk through whose mistake the man was detained.

Kumar SHIB SHEKHARESWAR RAY: Do the Government propose to take any further action in the matter?

The Hon'ble Sir ABD-UR-RAHIM: No.

Kumar SHIB SHEKHARESWAR RAY: Has the fine realized been returned?

The Hon'ble Sir ABD-UR-RAHIM: I must have notice of the question.

Recommendations of annual conferences of district boards.

***LXIX. Raja MANMATHA NATH RAY CHOUDHURY:** (*a*) Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state which of the resolutions passed at different annual conferences of the District Boards of Bengal, during his term of office, have been or have not been given effect to by the Government?

(*b*) Will the Hon'ble the Minister be pleased to state the procedure which the Government adopt with regard to such resolutions and how they are disposed of?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*a*) A statement is laid on the Library table. The recommendations of the Conference of 1923 are still under consideration.

(*b*) The recommendations are carefully considered by Government in consultation with other departments which may be affected and, if they are accepted, action is taken accordingly.

Jamalpur Government High School.

*LXX. **Raja MANMATHA NATH RAY CHOUDHURY:** (*a*) Is the Hon'ble the Minister in charge of the Department of Education aware that the people of Jamalpur have grown uneasy over a rumour to the effect that the Government contemplate giving up the management of the Jamal-High English School?

(*b*) Will the Hon'ble the Minister be pleased to state whether the rumour is well-founded?

(*c*) If so, what are the reasons for taking such an action?

(*d*) Are the Government considering the desirability of making an inquiry into the matter before the decision is given effect to?

The Hon'ble Mr. P. C. MITTER: (*a*) to (*c*) As Jamalpur is a small town in the district of Mymensingh with two high schools, for whose present enrolment one would suffice, it was proposed in the interests of economy that the Jamalpur Government High School should be deprovincialized at the end of the year 1924 and handed over to private management with a suitable grant-in-aid.

(*d*) The Managing Committee of the School are averse to the proposal and the question will be considered further after the views of the local public are known.

Admission to Ronaldshay Medical School, Burdwan.

*LXXI. **Mr. BIJOYPROSAD SINGH ROY:** (*a*) Is the Hon'ble the Minister in charge of the Department of Local Self-Government aware that students, applying for admission into the Ronaldshay Medical School, Burdwan, are required, to submit the marks obtained by them in the University examination in which they appear before the selection takes place?

(*b*) Is the Hon'ble the Minister aware that the date of selection is generally fixed before the result of the Matriculation examination of the Calcutta University is out, and that for inability to submit marks along with their applications the applicants have to waste one year before they can get another chance for admission?

(*c*) Are the Government considering the desirability of changing this rule of submitting marks, and to order the admission of students provisionally, or to shift the date of selection for admission to a time after the results of the Matriculation, I.A. and I.Sc. examinations of the Calcutta University are out?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*a*) Yes.

(*b*) and (*c*) The member is referred to the replies given at this meeting to an unstarred question on this subject by Babu Rishindra Nath Sarkar.

Increase of revenue from stamp duties and court-fees.

*LXXII. **Rai LALIT MOHAN SINGH ROY Bahadur:** (*a*) Will the Hon'ble the Member in charge of the Department of Finance be pleased to state whether the increase in stamp duties and court-fees has increased the revenue?

(*b*) If so, what has been the amount of increase last year under each head?

(*c*) Will the Hon'ble the Member be pleased to state—

(*i*) whether the increase in the court-fees has diminished the number of cases; and

(*ii*) whether the increase of stamp duties has produced any bad effect on the business community?

MEMBER in charge of DEPARTMENT of FINANCE (the Hon'ble Mr. J. Donald): (*a*) The answer is in the affirmative.

(*b*) It is impossible to compute what was the extent of the increase in revenue under each head due to the increase in stamp duty, because there was a marked diminution of transactions under the Stamp Act owing to commercial depression and a similar decrease in suits caused a falling off in receipts under the Court-fees Act.

(*c*) (*i*) and (*ii*) Government have no information that this is the case.

Rainfall.

*LXXIII. **Rai LALIT MOHAN SINGH ROY Bahadur:** (*a*) Will the Hon'ble the Minister in charge of the Department of Agriculture and Industries be pleased to state the average rainfall which has occurred in the districts of Bengal this year up to the end of July and also that of the last two years?

(*b*) Will the Hon'ble the Minister be pleased to state what is the prospect of agriculture this year in the area which was affected by flood last year?

Mr. J. T. DONOVAN: (*a*) A statement is laid on the table showing the average rainfall in the several districts of Bengal during this calendar year up to July. For the figures for 1921 and 1922 the member is referred to the monthly and annual rainfall table for Bengal published in the *Calcutta Gazette* in March every year.

(*b*) The agricultural prospects in the area affected by flood last year are favourable in the present season.

Statement referred to in the reply to starred question No. LXXIII (a) showing the average rainfall from 1st January to 31st July during the year 1923.

Districts	Average rainfall from 1st January to 31st July, 1923.
1. 24-Parganas	... 31·69
2. Nadia	... 22·52
3. Murshidabad	... 21·01
4. Jessore	... 30·68
5. Khulna	... 36·59
6. Burdwan	... 26·88
7. Birbhum	... 21·13
8. Bankura	... 28·22
9. Midnapore	... 27·08
10. Hooghly	... 26·58
11. Howrah	... 32·98
12. Rajshahi	... 23·21
13. Dinajpur	... 40·95
14. Jalpaiguri	... 107·98
15. Darjeeling	... 71·29
16. Rangpur	... 38·25
17. Bogra	... 25·80
18. Pabna	... 26·16
19. Malda	... 27·09
20. Dacca	... 39·73
21. Mymensingh	... 43·32
22. Faridpur	... 36·16
23. Bakarganj	50·46
24. Chittagong	... 74·79
25. Tippera	... 43·01
26. Noakhali	... 51·66
27. Chittagong Hill Tracts	... 54·82

Income of municipalities and expenditure on certain items.

***LXXIV. Rai LALIT MOHAN SINGH ROY Bahadur:** (*a*) Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state—

(*i*) what is the average annual income of the municipalities of Bengal;

(*ii*) what is the total collection of each municipality; and

(*iii*) how much is annually spent on an average for education and for sanitation?

(*b*) Will the Hon'ble the Minister be pleased to state whether there is any percentage fixed for the above expenditure by the Government?

(*c*) If not, are the Government considering the desirability of fixing the percentage?

(*d*) Will the Hon'ble the Minister be pleased to state in how many municipalities there are water-works and in how many municipalities there are none?

(*e*) Will the Hon'ble the Minister be pleased to state how the local people get their supply of drinking water where there are no water-works?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*a*) (*i*) and (*ii*) The member is referred to the column of "Total income excluding opening balance" of Form II and column 8 of Appendix D, respectively, of the resolution on the working of municipalities for the last 10 years.

(*iii*) In the municipal accounts expenditure on sanitation is recorded under several minor heads under the main head "Public Health and Conveniences." The figures for this head as well as those for "Public Instruction" will be found in Form III of the resolution referred to above.

(*b*) No; a reference is invited in this connection to the remarks contained in paragraph 9 of the resolution on the working of municipalities for the year 1921-22.

(*c*) No.

(*d*) The member is referred to Statement I to the Tenth Annual Report of the Chief Engineer, Public Health Department a copy of which is laid on the Library table.

(*e*) From local sources (e.g., river, *khal*, tank, well, etc.).

Departmental examination of police officers.

***LXXV. Babu JOGESH CHANDRA SARKAR:** (*a*) Will the Hon'ble the Member in charge of the Police Department be pleased to state what amount is annually spent on account of travelling and other expenses in connection with the departmental examination of Inspectors and Sub-Inspectors of Police, which is held twice in a year?

(*b*) Will the Hon'ble the Member be pleased to state whether there is any objection to hold the departmental examination under the supervision of the District Officers in the headquarters of the districts in which the examinees are posted?

(*c*) Will the Hon'ble the Member be pleased to state whether there is any objection to doing away with the departmental examination of—

(*i*) police officers of more than 10 years' standing; and

(*ii*) those who received training in the Police Training College?

The Hon'ble Mr. H. L. STEPHENSON: (*a*) The figures are not readily available and their compilation would involve excessive labour.

(*b*) The question is being considered.

(*c*) The examination is necessary to ensure that officers are qualified for promotion to the post of inspector.

Jabuna irrigation project.

***LXXVI. Dr. PRAMATHANATH BANERJEA:** Will the Hon'ble the Member in charge of the Department of Irrigation be pleased to state whether it is in the contemplation of the Government to take in hand the Jabuna project at an early date?

MEMBER in charge of DEPARTMENT of IRRIGATION (the Hon'ble the Maharajadhiraja Bahadur of Burdwan): A certain portion of the Jabuna Scheme has already been completed, but work on the remainder will not be taken up until the requirements of Act VI of 1920 have been carried out.

Case of Fanindra Nath Banerjee and constable Devi Dayal Dubey.

***LXXVII. Dr. PRAMATHANATH BANERJEA:** Will the Hon'ble the Member in charge of the Police Department be pleased to state—

(*a*) whether it is a fact that one Fanindra Nath Banerjee filed a petition before the Deputy Commissioner of Police, North District, Calcutta, for action against constable Devi Dayal Dubey on 31st May, 1921, and that, on that day, Fanindra Nath was sent for and a charge under section 353, Indian Penal Code, was recorded against him and he was formally arrested and released on bail and that at the same time another charge under the Motor Vehicles Act was entered against a taxi-driver (Abhoy Pada Pal), who was a witness for the said Fanindra? If so, whether the Deputy Commissioner of Police, North District, made an inquiry with reference to the allegations of Fanindra Nath Banerjee? If so, what? If not, why not?

(*b*) whether it is a fact that the Fourth Presidency Magistrate who tried the case, came to the finding that the conduct of the constable, in the beginning of the occurrence was on his own showing "arbitrary and unjustified" and that he told a series of lies in court with the one object of falsely implicating Fanindra and that he caused hurt to Fanindra by striking him with a *lathi* and that when he was forcibly taken to the thana, he maliciously laid a false charge and fabricated false evidence in support of his false charge?

(*c*) whether any action has been taken against constable Devi Dayal Dubey? If so, what? If not, why not?

(*d*) whether it is a fact that Inspector Golam Hyder of Burtolla thana did not take charge of the coat and the *pugree* of the constable Devi Dayal Dubey which were not sent up as exhibits? Why were they allowed to be kept all along in possession of the complainant constable and why was the constable allowed to wash the stain and marks on the coat; and

(*e*) is it a fact that the learned Honorary Presidency Magistrate held that the exhibits had been tampered with?

The Hon'ble Mr. H. L. STEPHENSON: (*a*) to (*e*) The information is being obtained and will be furnished to the member later.

Dr. PRAMATHANATH BANERJEA: When may I expect to receive this information?

The Hon'ble Mr. H. L. STEPHENSON: In course of the next few days.

Admission of students to Medical Colleges in Bengal.

***LXXVIII. Dr. JATINDRA NATH MOITRA:** (*a*) Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state—

(*i*) whether it is a fact that the admission to the Medical College in Bengal has been reduced this year, and, if so, what is the reason for this;

(*ii*) whether it is a fact that a certain number of seats have been reserved for the Government of Bihar, and, if so, how many; and

(*iii*) whether the Bihar Government contribute anything towards the upkeep of the Calcutta Medical College and Hospitals, and, if so, to what amount?

(*b*) Will the Hon'ble the Minister be pleased to state if the Bihar Government make no contributions to the Calcutta Medical College and Hospitals, why provision is made for students of that Government?

The Hon'ble Sir SURENDRA NATH BANERJEA: The member is referred to the answer given to an unstarred question on the subject put at this meeting by Mr. Ajoy Chunder Dutt.

Additional Physicians and Surgeons for Calcutta Medical College.

***LXXIX. Kumar SHIB SHEKHARESWAR RAY:** (*a*) Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state, with reference to the official *communiqué* on the appointment of Additional Physicians and Surgeons to the Calcutta Medical College Hospital, whether, in respect of their duties as well as in their relation to the Resident Medical Officers, the holders of the new posts will enjoy the same status and privileges as the other Physicians and Surgeons attached to the Hospital?

(*b*) Is it a fact that the new appointments are more in the nature of assistants to the Physicians and Surgeons than that of Additional Physician and Surgeon?

(*c*) Is it a fact that the holders of the new posts are to work as subordinates to the Physicians and Surgeons as well as to the Resident Medical Officers who belong to the Indian Medical Service?

(*d*) In view of their appointment to the additional posts of Physicians and Surgeons to the Medical College Hospital, will the Hon'ble the Minister be pleased to state whether their holders are to be promoted to the grade of the officers of the Indian Medical Service?

(*e*) If not, will the Hon'ble the Minister be pleased to state whether they are to be graded with the members of the Bengal Medical Service holding the appointments of Civil Surgeons?

(*f*) If the answer to (*d*) be in the negative, will the Hon'ble the Minister be pleased to state what salaries and allowances the new posts are to carry?

(*g*) Will the Hon'ble the Minister be pleased to lay on the table a statement showing the scale of salaries and allowances drawn by each of the other Physicians and Surgeons attached to the Medical College Hospital and also by the Resident Medical Officers?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*a*) The new Additional Physicians and Surgeons, like the existing Physicians and Surgeons of the Calcutta Medical College Hospitals, enjoy the status of full staff rank with the privilege of beds.

(*b*) No.

(*c*) No.

(*d*) No.

(*e*) No.

(*f*) These officers will draw their grade pay *plus* special pay or teaching allowance of Rs. 150 per mensem.

(*g*) The Physicians and Surgeons of the Hospital, who are also Professors of the Medical College, draw their ordinary grade pay *plus* a professorial allowance of Rs. 250.

Resident Medical Officers belonging to the I.M.S. draw their grade pay *plus* a teaching allowance of Rs. 200.

Fee system in public hospitals.

***LXXX. Mr. BIJOYPROSAD SINGH ROY:** (*a*) Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state the amount of fees which has been collected from the public hospitals since the introduction of the fee system?

(*b*) Has the number of patients diminished on account of the fee system?

(*c*) Do the Government still consider that the system should be retained? If so, will the Hon'ble the Minister be pleased to state the reason?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*a*) A statement is laid on the table.

(*b*) For two or three weeks in January there was some decline in the number of patients, but the figures speedily returned to the normal, and in spite of the fact that the opening months of 1922-23 were marked by serious epidemics while 1923-24 has been a healthy year, the comparative figures show no decline in the number of patients except that in the case of the Shambhu Nath Pandit Hospital there was considerable falling off in the number of out-patients.

(*c*) The levy of fees on out-patients has already been abolished, but the revenue obtained from fees paid by in-patients is considerable, and as the charges are very moderate while a large number of free beds are provided for the indigent, the Minister is of opinion that the levy of fees on in-patients should continue.

Statement referred to in the reply to starred question No. LXXX (a) showing the amount of fees realized from patients from January to July, 1923.

	January.	February.	March.	April.	May.	June.	July.	Total.
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Medical College Hospital ...	1,346	1,799	1,622	1,984	1,761	1,794	1,570	11,876
Presidency General Hospital ...	2,746	2,500	2,712	2,646	2,184	2,302	2,392	17,282
Campbell Hospital ...	743	464	389	447	403	271	251	2,935
Shambhu Nath Pandit Hospital	985	787	770	5 4	601	435	557	4,513

Malaria, infant mortality and kala-azar.

***LXXXI. Rai LALIT MOHAN SINGH ROY Bahadur:** (*a*) Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state—

(*i*) what action has been taken by the Government during the course of the last two years in combating malaria;

(*ii*) what steps have been taken within the last two years to investigate the causes of kala-azar and infant mortality; and how far the results of the investigation have been given effect to?

(*b*) Will the Hon'ble the Minister be pleased to state the number of kala-azar cases, district by district, found within the course of the last two years?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*a*) (*i*) A reference is invited to the annual public health reports, while the statement laid on the Library table refers in detail to certain anti-malarial measures.

(*ii*) During the last two years, investigations were made in the following 12 districts to ascertain the prevalence of kala-azar:—Mymensingh, Malda, Nadia, Bakarganj, Dacca, Burdwan, Noakhali, Tippera, Darjeeling, Jalpaiguri, Faridpur and Chittagong, while a special investigation into the disease has been undertaken at the Calcutta School of Tropical Medicine. During the course of the investigation by the Public Health Department, over three hundred local medical officers have been instructed in the latest methods of diagnosis and treatment. Much interest has been aroused in regard to the disease and, as a result, a great deal of voluntary work is now being accomplished in addition to the special campaigns inaugurated by local authorities.

As regards infant mortality, a reference is invited to the answer given at the meeting of 14th March last to the question, No. 428, by Rai Bahadur Mahendra Chandra Mitra regarding child welfare work in Bengal. No special investigation into the causes of infant mortality has been possible owing to the paucity of staff available for this purpose, but, as a result of an inquiry that has been made into the possibility of starting dhai-training centres, ten district boards have already undertaken to open such centres. There is an admirable maternity and child welfare centre in Dacca, run by a voluntary agency, to which Government propose to give a grant this year.

(*b*) Two statements giving the desired information are laid on the Library table.

Fee system in public hospitals.

***LXXXII. Rai LALIT MOHAN SINGH ROY Bahadur:** (*a*) Will the Hon'ble the Minister in charge of the Department of Local Self-

Government be pleased to state what the effect has been of the charging of fees from the patients from the public hospitals?

(*b*) Is the Hon'ble the Minister aware that the levying of fees has become a heavy burden to the poor patients?

(*c*) Is there any facility for poor patients to get free treatment from the hospitals?

(*d*) If so, will the Hon'ble the Minister be pleased to state the means by which they are enabled to avail themselves of it?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*a*) A reference is invited to the reply given to a similar question put by Mr. Bijoyprosad Singh Roy at the present session.

(*b*) No. The fees levied are low and a large number of free beds are reserved for patients who are unable to pay anything. Moreover, fees are no longer levied from out-patients.

(*c*) and (*d*) Yes. Persons pleading poverty can obtain free attendance in beds reserved for the poor.

Inspector Chaffur's report against one Sew Bhagwan.

***LXXXIII. Dr. PRAMATHANATH BANERJEA:** Will the Hon'ble the Member in charge of the Police Department be pleased to state—

(*i*) whether during an inquiry into a case of criminal breach of trust Inspector Ghaffur reported against one Sew Bhagwan that he was a member of a gang of cheats and was absconding from a warrant and did no work and visited women of ill fame;

(*ii*) whether during the inquiry the said Inspector entered into transactions with the complainant;

(*iii*) whether the trying Magistrate declared that on the whole he must find that the remarks of the Inspector were quite uncalled-for and without any basis; and

(*iv*) whether Government have taken any action against the Inspector for submitting a false report, and, if not, what action they propose to take?

The Hon'ble Mr. H. L. STEPHENSON: (*i*) Yes.

(*ii*) In the judgment of the case, this is stated to be a fact.

(*iii*) Yes.

(*iv*) Inquiry is being made.

Unstarred Questions

(answers to which were laid on the table).

Sanitation of Kasba town.

127. SHAH SYED EMDADUL HAQ: (*a*) Is the Hon'ble the Minister in charge of the Department of Local Self-Government aware that the sanitary condition of the Kasba town in the district of Tippera has deteriorated?

(*b*) What steps are the Government taking for the improvement of the sanitary condition of the town?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*a*) No. The sanitary condition of Kasba is not good, but it does not appear to be any worse now than it has been for the past fifteen years. It is, therefore, not correct to say that it has deteriorated.

(*b*) This is primarily a matter with which the local authorities are concerned and Government do not propose to take any action.

Promotion of Muhammadan Sub-Deputy Collectors to certain posts.

128. SHAH SYED EMDADUL HAQ: (*a*) Will the Hon'ble the Member in charge of the Appointment Department be pleased to lay on the table a statement showing the number of Sub-Deputy Collectors appointed as—

(*i*) Registrar, Police Court, Calcutta;

(*ii*) Superintendent, Orphanganj Market, Kidderpore;

(*iii*) Deputy Assessor and Sub-Assessor, Calcutta Corporation;

(*iv*) Manager, Court of Wards;

(*v*) Butwara Officer; and

(*vi*) Land Acquisition Officer?

(*b*) Will the Hon'ble the Member be pleased to state the names of the Muhammadan Sub-Deputy Collectors who have held or are holding any of these appointments?

(*c*) If no Muhammadan Sub-Deputy Collectors have held any of these appointments, will the Hon'ble the Member be pleased to state whether the Government are considering the desirability of appointing a proportionate number of Muhammadan officers from the Subordinate Civil Service to these posts?

(*d*) Is it a fact that these posts are considered to be of special value by the members of the Subordinate Civil Service?

(*e*) Is it a fact that the Muhammadan officers are about 30 per cent. of the total strength of the Subordinate Civil Service?

The Hon'ble Mr. H. L. STEPHENSON: (*a*) and (*b*) To ascertain the number and names of Sub-Deputy Collectors who have from time to time held these appointments would involve labour incommensurate with the value of the information. A Muhammadan Sub-Deputy Collector was appointed to be Registrar of the Calcutta Presidency Magistrate's Court in July, 1923.

(*c*) Special posts are filled by the appointment of officers who are held to be qualified for those posts, and Government have no intention of prescribing any proportion which shall be held by officers of any particular community.

(*d*) Government have reason to believe that posts which carry a special allowance are specially valued.

(*e*) The percentage of Muhammadan officers in the Subordinate Civil Service is 29.

Sanitation of Kasba town.

129. Shah SYED EMDADUL HAQ: (*a*) Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state whether he is aware that Kasba is a well-known place from ancient times and that it has a Munsifi Court?

(*b*) Is the Hon'ble the Minister aware that the climate of the said place is very bad?

(*c*) Is it a fact that the number of the patients are growing day by day and that the Government officers are going away on leave or are being transferred for their ill-health?

(*d*) Is the Hon'ble the Minister aware that want of sufficient bridges in the railway line is the chief cause of the diseases?

(*e*) If the answer to (*d*) be in the affirmative, will the Hon'ble the Minister be pleased to state what steps, if any, are being taken for redress?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*a*) The Minister can find no reference to Kasba's past in the "Tippera Gazetteer," but it possesses a munsifi.

(*b*) to (*d*) The Minister has no information.

(*c*) The question does not arise.

Distribution of Ward Commissioners, Pabna municipality.

130. SHAH SYED EMDADUL HAQ: Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state—

(*i*) what are the principles governing the distribution of Commissioners of the Pabna municipality by wards;

(*ii*) whether it is a fact that the number of Commissioners of the various wards of the Pabna municipality varies disproportionately in comparison with the area and population;

(*iii*) if so, what are the reasons for this;

(*iv*) what are the principles on which nominations were made on the Pabna Municipal Board this year; and

(*v*) whether it is a fact that the number of Hindus is nearly double that of the Muhammadans in that municipality?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*i*) The distribution of Commissioners to the several wards of the Pabna municipality was made by notification dated the 13th October, 1884. The papers leading to the issue of this notification do not show on what principle such distribution was made.

(*ii*) Yes.

(*iii*) Area and population are not the only factors to be considered. The number of voters in each ward and the amount of municipal rates paid by each ward are also important factors.

(*iv*) The member is referred to a Council question asked by Babu Rishindra Nath Sarkar at the meeting of the Legislative Council held on 29th August, 1921, published at page 41 of the Legislative Council Proceedings, Volume IV of 1921, in which the general principle in appointing members of a municipal board was explained. This principle was followed in the case of the Pabna municipality.

(*v*) Yes.

Auliapur and its situation in respect to Galachipa and Patuakhali thanas.

131. Maulvi FAZLAL KARIM: (*a*) Will the Hon'ble the Member in charge of the Police Department be pleased to state whether it is a fact that Auliapur is only two hours' journey from Patuakhali by the District Board road and that it is three hours' journey by the Chandanbaria khal?

(*b*) Is it a fact that Auliapur is much nearer to Patuakhali than to the Galachipa thana?

(*c*) Are the Government considering the desirability of transferring Auliapur from the Galachipa thana to the Patuakhali thana?

The Hon'ble Mr. H. L. STEPHENSON: (*a*), (*b*) and (*c*) Reference is invited to the answer to unstarred question No. 2 asked at this session of the Council.

Charges of corruption against Babu Naba Gopal Chaki.

132. Maulvi HAMID-UD-DIN KHAN: (*a*) With reference to the answer given to unstarred question No. 185 at the meeting of the

Bengal Legislative Council on the 26th January, 1923, will the Hon'ble the Member in charge of the Appointment Department be pleased to state—

(*i*) the charges of corruption made to the Government by the Chairman and the Vice-Chairman of the District Board, the Chairman of the Local Board and other respectable citizens of Khulna against Babu Naba Gopal Chaki, lately employed as Subdivisional Officer, Khulna;

(*ii*) which of these charges have been proved against Babu Naba Gopal Chaki, late Subdivisional Officer, Khulna;

(*iii*) the number of witnesses examined by the Commission? and

(*iii*) the number of witnesses examined by the Commission; and the date of its termination?

(*b*) Will the Hon'ble the Member be pleased to lay on the table a copy of the report submitted by the Commission?

(*c*) If the answer to (*b*) be in the negative, will the Hon'ble the Member be pleased to state the reason for the same?

(*d*) Will the Hon'ble the Member be pleased to state what action, if any, has been taken on the report and what was the reason for delay in deciding the matter?

(*e*) Is it a fact that on page 662 of the Bengal Civil List corrected up to 1st April, 1923, it is stated that Naba Gopal Babu was dismissed from the 19th May, 1923?

(*f*) Is it a fact that Naba Gopal Babu has been granted a compassionate allowance by the Government? If so, what is the amount and why has it been granted to an officer who has been dismissed and against whom it is alleged that charges of corruption have been proved?

(*g*) Are the Government proposing to take steps to prevent the recurrence of corruption amongst Government servants in future?

The Hon'ble Mr. H. L. STEPHENSON: (*a*) (*i*) The charge made was that of habitually selling justice.

(*ii*) A Commission was appointed to inquire into three specific charges selected out of a large number. None of the charges were conclusively proved.

(*iii*) Thirty-one.

(*iv*) June 27, 1922; July 22, 1922.

(*b*) No.

(*c*) The report is a confidential document, and Government do not think that its publication would be in the public interest.

(*d*) The Deputy Collector was removed from Government service on the 15th February, 1923. The time intervening between the completion of the inquiry and the issue of orders was taken up in printing the report, considering it and referring to the Government of India for orders.

(*e*) Yes. The word "dismissed" was mistakenly used instead of "removed" and the mistake has been corrected in the July Civil List.

(*f*) Yes. Rs. 92-14 per month.

The findings of the Commission were that—

(1) there were good grounds for making the accusations of corruption;

(2) the accusations were universally believed and that the magistrate's reputation has been shattered;

(3) the magistrate in one of the three cases did write a deliberately dishonest judgment;

(4) it is impossible to entrust him in the future with any judicial work.

Accepting these findings Government were unable to trust the Deputy Magistrate with any work of Government, and it was therefore impossible to allow him to remain in Government service.

In these circumstances a compassionate allowance was granted.

(*g*) As in this case, Government will at all times investigate fully any specific charge of corruption which is made by a responsible person.

Duration of appointment of Babu Binode Behari Das Gupta at Bakarganj.

133. Munshi MAKRAMALI: (*a*) Is the Hon'ble the Member in charge of the Appointment Department aware that Babu Binode Behari Das Gupta has been stationed at Bakarganj as Sadar Subdivisional Officer without any transfer for the last six years?

(*b*) Will the Hon'ble the Member be pleased to state whether it is not contrary to the spirit of the rules for an officer to be posted in one place for such a length of time?

(*c*) Is the Hon'ble the Member aware that Binode Babu is an inhabitant of Barisal and prosecuted his studies in the schools and colleges there?

(*d*) Is the Hon'ble the Member aware that Binode Babu tried his best and secured votes in connection with the election of the Chairman of the District Board on the 18th July last (election date)?

The Hon'ble Mr. H. L. STEPHENSON: (*a*) Babu Binode Behari Das Gupta has been stationed at Bakarganj for six years. He has at no time been Sadar Subdivisional Officer.

(*b*) There are no rules on the subject. The period of an officer's stay in any one station is at the discretion of Government and depends

on the nature of the post, the qualifications of the officer and the interests of the public service.

(*c*) Government are aware of the fact that Bakarganj is the home district of this officer. They have no information as to the schools and colleges in which he studied.

(*d*) Government have no information to this effect.

Septic tank effluents discharge into the Hooghly.

134. Rai MAHENDRA CHANDRA MITRA Bahadur: (*a*) Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state whether he is aware that great hardship and inconvenience have been caused to the residents of Konnagore and its neighbourhood and Rishra on account of the discharge of the septic tank effluents of the Hatirkul Oil Mill, Konnagore, and the Hastings Mill, Rishra, to the Ganges?

(*b*) Is the Hon'ble the Minister aware that the Hatirkul Oil Mill authorities have altogether ignored the directions previously issued by the Government for remedying the existing state of affairs?

(*c*) Will the Hon'ble the Minister be pleased to state whether the Government are considering the desirability of taking immediate steps in the matter?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*a*) Yes. The Hatirkul Oil Mill Company has, however, gone into liquidation and the factory is closed.

(*b*) The facts are not as suggested. The Company has recently installed a chlorinating tank in accordance with the instructions of the Public Health Department.

(*c*) An inspection of the Hastings Mill septic tank installation was recently made. The sterilizing agent was found to be too weak and the Manager has been required to strengthen it. A further inspection will very shortly be made to ascertain whether the directions of the Public Health Department are being complied with.

Cases of murder on railway lines near about Tarkeswar.

135. Rai MAHENDRA CHANDRA MITRA Bahadur: (*a*) Will the Hon'ble the Member in charge of the Police Department be pleased to state whether the murderer or murderers of the young boy whose dead body was found, some time ago, on the railway line near Tarkeswar have been detected?

(*b*) Will the Hon'ble the Member be pleased to lay on the table a statement showing—

(*i*) the number of dead bodies of murdered men and women found on the railway line between Tarkeswar and Singhur, Tarkeswar Branch Railway, between Belmuri-Chandanpore and Kamarkund, Burdwan-Howrah Chord, and between Kamarkund and Belur, Burdwan-Howrah Chord, during the last 6 years; and

(*ii*) how many of these murder cases have been detected?

The Hon'ble Mr. H. L. STEPHENSON: (*a*) On 16th March, 1923, the body of a boy aged about 14 years was found lying near the Kana river. The *post mortem* examination pointed to the case being one of murder. A case under section 302, Indian Penal Code, was accordingly instituted at the Tarkeswar police-station but no clue as to the identity of the culprits or of the deceased could be obtained.

(*b*) (*i*) None, except the one referred to in (*a*).

(*ii*) Does not arise.

Defalcations in the Calcutta Medical College.

136. Babu SURENDRA NATH RAY: (*a*) Has the attention of the Hon'ble the Minister in charge of the Department of Local Self-Government been drawn to the judgment of the Chief Presidency Magistrate of Calcutta in the case against the two clerks of the Calcutta Medical College on charges of criminal breach of trust, etc.?

(*b*) Are the Government considering the desirability of appointing a committee consisting of officials, non-officials and an audit officer to inquire into the alleged irregularities in the keeping of accounts or defalcations in the Calcutta Medical College and to thoroughly overhaul the accounts and to devise a scheme so that there may not be a recurrence of such irregularities in future?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*a*) Yes.

(*b*) No. Orders are under issue in accordance with the recommendations of the Accountant-General, Bengal, and the question of improving the office administration is under consideration.

Septic tank effluents discharge into the Hooghly.

137. Babu JOGENDRA NATH ROY: (*a*) Has the attention of the Hon'ble the Minister in charge of the Department of Local Self-Government been drawn to the report of the Health Officers on the bacteriological examination of samples of septic tank effluents discharged

into the Ganges, which report was submitted to the General Committee of the Calcutta Corporation?

(*b*) Are the Government considering the desirability of prohibiting the discharge of the septic tanks into the river, from which the inhabitants of the villages on both sides draw water for their drinking and cooking purposes?

(*c*) Has the attention of the Hon'ble the Minister been drawn to the fact that the Health Officers' reports submitted to the Calcutta Corporation describe the Kharda khal " nothing less than a cess-pool"?

(*d*) If so, are the Government proposing to take effective steps to remove this state of things?

(*e*) In view of the report of the bacteriological examination of the septic tank effluents submitted to the Calcutta Corporation, will the Hon'ble the Minister be pleased to state the names of the mills and factories which have been found to offend against rule 19 of the Bengal Factory Rules and to state whether it is in the contemplation of Government to prosecute them?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*a*) Yes.

(*b*) No other arrangement for the disposal of the sewage is possible at present.

(*c*) Yes.

(*d*) and (*e*) Government have had this matter of pollution of the river by septic tank effluents under their continuous observation for a very long period. The Health Officer to the Calcutta Corporation was assisted in collecting data for his report by an officer of the Government Public Health Department and steps to effect improvement had already been taken by the Director of Public Health on similar findings of his own department. The difficulties which the problem presents were stated in the reply given to Rai Mahendra Chandra Mitra Bahadur's Council question No. 90 on the 24th January, 1923.

Since July, 1922, the increase in the proportion of effluents which are rendered sterile is very marked. No less than 33 per cent. of the effluents recently examined were sterile, against 10 per cent. when examination was first undertaken. In February, 1923, no less than 12 out of 28 samples examined were sterile. In March 16 out of 30 samples were sterile, in April 14 out of 30, and in May 40 out of 61 samples examined. There are, however, still a number of defaulters and a new set of rules dealing specially with septic tanks is being framed under the new Act (II of 1922) to ensure more effective control.

Trial of offences against Municipal Act by the Bench.

138. Babu SURENDRA NARAYAN SINHA: Will the Hon ble the Member in charge of the Judicial Department be pleased to state whether the Government are considering the desirability of issuing an order that persons accused of offences under the Municipal Act should not be tried by the Bench?

The Hon'ble Sir ABD-UR-RAHIM: The answer is in the negative.

" Baitun Najat " Imambara at Garden Reach.

139. Dr. A. SUHRAWARDY: (*a*) Will the Hon'ble the Member in charge of the Political Department be pleased to state the position of this Government or that of the Secretary of State for India with reference to the *Baitun Najat* Imambara at Garden Reach?

(*b*) Is it a fact that the property belonging to this Imambara was purchased by the Government for Rs. 25,000 in the name of the Secretary of State for India in 1895?

(*c*) Will the Hon'ble the Member be pleased to state from what funds this property was purchased and what control, if any, the Government at present have over it?

(*d*) Will the Hon'ble the Member be pleased to lay on the table a statement of accounts showing the income and expenditure of this Imambara since 1895?

(*e*) If the answer to question (*b*) be in the affirmative, will the Hon'ble the Member be pleased to state the reasons for which the Government do not divest themselves of all control over this place of public worship in accordance with the provisions of Act XX of 1863?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Mr. H. L. Stephenson): (*a*) to (*e*) Certain lands with buildings including the *Baitun Najat* Imambara belonging to the estate of the late King of Oudh were sold in public auction in 1894. It was claimed that some of these buildings were used for religious purposes. As the purchasers wished to demolish the buildings and sell the materials there was a grave apprehension of a breach of the peace and Government had to intervene. It was arranged that the property should be repurchased for Rs. 25,000, half of which was subscribed by members of the Muhammadan community and half paid from the Oudh estate. The purchase was effected in 1895; to obviate possible difficulties the deed of conveyance was in the name of the Secretary of State, by whom the Imambara property was to be conveyed to the members of the Managing Committee. Possession of the property was given to a Managing Committee consisting of five members elected by the subscribers; but it appears that no formal conveyance of the property was made to them

In 1919 this omission was brought to the notice of Government and it was reported that only one of the members of the Managing Committee was alive. Government thereupon issued instructions that the original subscribers or their representatives should be called upon to appoint a committee which would take conveyance of the property and provide for its future management. A meeting of subscribers was held and a committee appointed but as objections were raised that all subscribers had not been called, it was proposed to have a fresh meeting on the 13th August, 1921. No meeting was held as a temporary injunction was issued by the Civil Court. Government then decided that when a legally constituted committee was appointed, the property would be formally conveyed to it. The property is not in the possession of Government and Government have no control over its management.

(*d*) Government have no information as they do not control the management of the Imambara.

(*e*) Government have not exercised any control. Possession of the property was made over in 1895 and Government propose to complete the formal act of conveyance as soon as this can be done.

Black-water fever in Jessore.

140. Maulvi RAFI UDDIN AHMED: (*a*) Has the attention of the Hon'ble the Minister in charge of the Department of Local Self-Government been drawn to the prevalence of black-water fever in Jessore?

(*b*) Will the Hon'ble the Minister be pleased to state whether the Government are considering the desirability of taking up the question of the suppression of the said disease?

(*c*) Is it a fact that at present the measures to combat the disease are alone being taken by the staff of the Charitable Dispensary at Jessore?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*a*) and (*c*) The District Health Officer, Jessore, reports that some months back a single case of black-water fever came to his notice, but no other cases in Jessore town appear to have occurred for some years past. Occasional cases of black-water fever are said to occur in the Jessore district, but none are reported at present. If the question refers to kala-azar (which the public sometimes confuse with black-water fever) it may be mentioned that a few cases of kala-azar are being treated in Jessore. Several medical men are said to have volunteered their services to assist in a an anti-kala-azar campaign.

(*b*) Government are considering what steps should be taken to check the spread of kala-azar.

Promotion of Muhammadan Sub-Deputy Magistrates.

141. Maulvi RAFI UDDIN AHMED: (*a*) Will the Hon'ble the Member in charge of the Appointment Department be pleased to lay on

the table a statement showing how many Hindu and Muhammadan Sub-Deputy Magistrates have been promoted to the rank of Deputy Magistrates during the last three years?

(*b*) Will the Hon'ble the Member be pleased to state whether it is a fact that some Muhammadan Sub-Deputy Magistrates were recommended by their departmental superiors for such promotion?

(*c*) Will the Hon'ble the Member be pleased to state whether any Muhammadan has been promoted, and, if not, will he be pleased to state the reason why the claims of senior Muhammadan officers have been overlooked, and one-third proportionate promotion not given to them?

(*d*) Will the Hon'ble the Member be pleased to state whether it is a fact that officers indirectly responsible (through lack of supervision) for the defalcation cases (*i*) Emperor *versus* Kanailal Chakravarty, late Calcutta Police Court Cashier, and (*ii*) Emperor *versus* Mohendra Nath Mondal, late Khas Mahal Tahsildar, Kushtia, Nadia, have been recently promoted?

The Hon'ble Mr. H. L. STEPHENSON: (*a*) In each year four Hindus were promoted and no Muhammadan was promoted.

(*b*) Yes.

(*c*) Promotions to the rank of Deputy Magistrate are made not by seniority alone, but according to seniority and merit. Communal considerations are not taken into account in making promotions of officers already in Government service.

(*d*) It would be obviously unfair to the officers concerned to reply to a question in this form.

Sara-Serajganj line and natural drainage.

142. Maulvi YAKUINUDDIN AHMED: Will the Hon'ble the Minister in charge of the Department of Public Works (Railways) be pleased to state—

(*i*) whether it is a fact that the Sara-Serajganj line was built directly in opposition to the natural flow of the rivers and drainage of the country mainly on the ground that the present alignment offered the shortest route to Calcutta; and

(*ii*) whether it is a fact that this blocking up of the natural flow has had a tendency to hold up the water which broke out and caused damage?

SECRETARY to GOVERNMENT, DEPARTMENT of PUBLIC WORKS [RAILWAYS] (Mr. C. C. Dey): (*i*) The line is built more or less across the natural drainage of the country.

(*ii*) That the railway blocks the drainage is not admitted. This point will be investigated and reported on by the North Bengal Flood Committee.

District Board engineering staff.

143. Mr. SYED ERFAN ALI: (*a*) Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to say whether it is a fact that he received several representations from the Honorary Secretary, District Boards' Engineering Association, the accredited representative body of District Engineers, and the members of their engineering staff, requesting permission to send delegates to the last session of the District Boards Conference.

(*b*) Will the Hon'ble the Minister be pleased to state why permission was refused to this request?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*a*) A representation was received.

(*b*) The District Engineers are the employees of District Boards and are not entitled to attend a conference of District Board members.

Medical relief to a certain part of Burdwan.

144. Babu HEM CHANDRA BHATTACHARJI: Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state whether any steps have been taken by the Government to give medical relief to the flood and malaria stricken homeless people of the villages of Rajrampur and Srikrishnapur in the Jyotsna Union within the jurisdiction of the Jamalpur thana in the district of Burdwan?

The Hon'ble Sir SURENDRA NATH BANERJEA: No.

Government have no information showing the need for special medical relief in the areas referred to.

Government appointments to relations of non-official members of the Legislative Council.

145. Babu HEM CHANDRA BHATTACHARJI: Will the Hon'ble the Member in charge of the Appointment Department be pleased to lay on the table a statement showing—

(*i*) how many relations of non-official members of this Council were given executive, judicial or educational appointments

under this Government before the introduction of the Bengal Civil Service Examination;

(*ii*) the name and qualification of the candidate appointed to the post; and

(*iii*) what sort of relation the person appointed bears to the member of this Council?

The Hon'ble Mr. H. L. STEPHENSON: (*i*), (*ii*) and (*iii*) The information is not available.

Murder cases in Basirhat.

148. Rai HARENDRANATH CHAUDHURI: (*a*) Is the Hon'ble the Member in charge of the Police Department aware of the increase in the number of murder cases in Basirhat subdivision?

(*b*) Will the Hon'ble the Member be pleased to state—

(*i*) how many murder cases were reported; and

(*ii*) in how many cases the culprits were detected and punished during the year 1922 in the district of the 24-Parganas and in the subdivision of Basirhat, respectively?

(*c*) If the answer to (*a*) be in the affirmative, what steps are the Government proposing to take to secure a larger number of detections and convictions and punishments of culprits?

The Hon'ble Mr. H. L. STEPHENSON: (*a*) There has been no increase. There were 3 cases in 1922 as compared with 17 in 1920 and 1921.

(*b*) (*i*) Twenty-five, of which three occurred in the Basirhat subdivision.

(*ii*) Two persons in 2 cases were convicted in the 24-Parganas district, while two accused persons in two other cases are under trial. In one of the 3 cases in Basirhat subdivision, persons were placed on trial and acquitted.

(*c*) This does not arise.

Local train service between Calcutta and Barrackpore.

147. Rai HARENDRANATH CHAUDHURI: (*a*) Is the Hon'ble the Minister in charge of the Department of Public Works (Railways) aware of the inconveniences suffered by the people of Belgurria and of other intermediate stations between Calcutta and Barrackpore, on account of the inadequate local train services to and from Calcutta?

(*b*) Is it a fact that they repeatedly represented their grievances to the Agent, Eastern Bengal Railway, without avail?

(*c*) Is it a fact that within the area served by local trains, people living near at equally distant stations on the East Indian Railway have got more facilities for travelling to and from Calcutta?

(*d*) Will the Hon'ble the Minister be pleased to state to what fact is this due? Are the Government considering the desirability of drawing the attention of the Railway authorities to remedy the inconveniences of Eastern Bengal Railway passengers?

(*e*) Is it a fact that sometimes intending passengers to and from the said Eastern Bengal Railway stations in the vicinity of Calcutta have to wait for two hours and more for a train?

Mr. C. C. DEY: (*a*) Yes.

(*b*) No.

(*c*) Government have no information.

(*d*) The attention of the Railway authorities has already been drawn to this matter, but they regret they are not at present in a position to remedy the inconveniences complained of by putting on additional trains, which is the only possible way of giving a better service than the existing one. The Agent of the Railway has, however, given an assurance that when this becomes possible the claims of passengers to and from Belgurria will not be overlooked.

(*e*) Government have no information.

Char Manair incidents.

148. Rai HARENDRANATH CHAUDHURI: (*a*) Is the Hon'ble the Member in charge of the Police Department aware that the Government *communiqué* based on the magisterial report on the Char Manair incidents has neither satisfied the public nor allayed the public indignation?

(*b*) Are the Government considering the desirability of appointing a committee with a non-official majority to inquire into the alleged police outrages at Char Manair?

The Hon'ble Mr. H. L. STEPHENSON: (*a*) Government have no reason to believe that the suggestion made is correct.

(*b*) Government have already stated that they are satisfied that a full inquiry has been made into all the allegations. It is open to any individual to lodge a complaint in accordance with the procedure

prescribed by law and every opportunity has been given to the inhabitants of Char Manair to do so. Government have no intention of appointing any committee to make further inquiries.

Filtered water-supply given by the Corporation of Calcutta to remoter municipalities.

149. Rai HARENDRANATH CHAUDHURI: With reference to the reply given to my unstarred question No. 75 on the 24th January, 1923, will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state when and under what circumstances special arrangements for the supply of filtered water to the remoter municipalities were made?

The Hon'ble Sir SURENDRA NATH BANERJEA: A report from the Chairman, Calcutta Corporation, is laid on the Library table.

Licensing of boats transporting straw and hay to Calcutta.

150. Mr. AJOY CHUNDER DUTT: (*a*) Will the Hon'ble the Member in charge of the Marine Department be pleased to state whether the exemption from taking out licenses enjoyed by boats used exclusively for transporting straw and hay to Calcutta has been withdrawn by virtue of a notice issued by order of the Commissioners of the Port of Calcutta, dated the 9th March, 1923?

(*b*) If so, what is the reason for it?

(*c*) Is it a fact that boats used exclusively for transporting straw to Calcutta have enjoyed the said exemption from time immemorial?

(*d*) Are the Government considering the desirability of reconsidering their decision with reference to the licensing of boats exclusively employed for transporting straw and hay to Calcutta?

MEMBER in charge of MARINE DEPARTMENT (the Hon'ble Mr. J. Donald): (*a*) The Commissioners decided at a meeting held on March 5th, 1923, that boats used for the transport of hay and straw should be liable for registration and license under rule 57 of the rules for licensing and regulating cargo boats in the Port of Calcutta, and a warning to this effect was given in a handbill dated March 9th.

(*b*) It has been found that these boats require the services of the Fire Float to deal with fires on board more frequently than other cargo boats and thus while enjoying the same facilities are a cause of greater expense. Being moreover generally undermanned they are often not

under adequate control and so are an obstruction to navigation at ordinary times and a menace to shipping and the Howrah Bridge when they catch fire.

(*c*) They have been exempted by executive order since 1894. Until 1908 boats not plying for hire were not legally liable to be licensed: it was found difficult to determine whether boats laden with hay and straw were plying for hire or not, and in 1894 they were therefore all exempted by an executive order of the Port Commissioners. This exemption was allowed to continue after November, 1908, when all boats not plying for hire were made liable to be licensed.

(*d*) The decision in this matter rests with the Port Commissioners and Government are not prepared to interfere.

Muhammadans on the staff of Khulna settlement.

151. Maulvi RAFI UDDIN AHMED: (*a*) Will the Hon'ble the Member in charge of the Department of Revenue (Land Revenue) be pleased to lay on the table a statement showing—

(*i*) the number of ministerial officers of the Khulna Settlement office both at the sadar and mufassal separately;

(*ii*) the number of Muhammadans amongst them;

(*iii*) the number of peons both at the sadar and mufassal; and

(*iv*) the number of Muhammadans amongst them?

(*b*) Will the Hon'ble the Member be pleased to state whether there is any Muhammadan in the Drawing office or in the English office?

(*c*) Is there any Khulna man in the whole Settlement office? If so, how many, and in what capacity?

(*d*) Will the Hon'ble the Member be pleased to lay on the table a statement showing the number of recruits in the paid posts from each district?

(*e*) Is it a fact that a Muhammadan candidate for the post of a Record-keeper brought letters from Mr. J. R. Blackwood and Mr. Robertson but was driven away from office as he happened to be a Muhammadan of the Tippera district?

(*f*) Is it a fact that the Assistant Settlement Officer has appointed the son of his family physician, a novice, as a copyist in preference to an experienced Muhammadan copyist of the locality who had served in the Jessore Settlement?

(*g*) Are the Government considering the desirability of removing the grievances of the Muhammadans in the Khulna Settlement office?

MEMBER in charge of DEPARTMENT of REVENUE [LAND REVENUE] (the Hon'ble the Maharajadhiraja Bahadur of Burdwan): (*a*) A statement is laid on the Library table.

(*b*) No.

(*c*) There were two clerks, who were Khulna men, during the field season; one has been discharged during recess.

(*d*) A statement is laid on the Library table.

(*e*) No.

(*f*) No.

(*g*) No complaints of any sort have been received from the Muhammadans.

Travelling charges incurred by district boards for Chairmen, Vice-Chairmen and Engineers.

152. Maulvi RAFI UDDIN AHMED: Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to lay on the table a statement showing the amount of money drawn as halting and travelling allowances by the Chairman, Vice-Chairman and Engineers of the different district boards in Bengal in the years 1920-23?

The Hon'ble Sir SURENDRA NATH BANERJEA: The statements furnished by the Chairmen of District Boards are laid on the Library table.

Government expenditure on Education.

153. Maulvi YAKUINUDDIN AHMED: Will the Hon'ble the Minister in charge of the Department of Education be pleased to state whether it is a fact that education in Bengal has hitherto been starved and that Government expenditure thereon has been not more than one-fifth of the amount spent from private sources?

The Hon'ble Mr. P. C. MITTER: It is not correct to say that education in this province has been starved, although it is true that more money is needed for further development. During the last three years the expenditure from Provincial Revenues as compared with that from private sources has roughly been in a ratio of 3 to 5, and not 1 to 5 as stated in the question.

Leasing out rivers and streams in the Chittagong Forests.

154. Munshi AMIR ALI: (*a*) Will the Hon'ble the Member in charge of the Department of Revenue (Land Revenue) be pleased to state whether a new system of leasing out rivers and streams in the

forests of Chittagong by inviting sealed tenders has been adopted since April, 1923?

(*b*) If so, will the Hon'ble the Member be pleased to state whether the system was introduced with the approval of the Government?

(*c*) Will the Hon'ble the Member be pleased to state why it was thought expedient to give out leases by inviting sealed tenders and not at public auction to the highest bidder like the ferries and pounds of the district boards?

(*d*) Will the Hon'ble the Member be pleased to state whether the stream-right of the stream Sremai has been so leased out, and, if so, at what rent?

(*e*) Will the Hon'ble the Member be pleased to state whether there were any higher offers for this stream? If so, what were such offers and how much Government have lost by accepting a lower offer?

(*f*) Will the Hon'ble the Member be pleased to state whether it is a fact that some petitions were submitted to His Excellency the Governor, to the Chief Secretary to the Government of Bengal, and to the Conservator of Forests, Bengal, for an inquiry?

(*g*) Will the Hon'ble the Member be pleased to state whether in their petitions mentioned in clause (*f*) complaints were also made against some forest officers for leasing out the stream at lower rents?

(*h*) Will the Hon'ble the Member be pleased to state whether any such inquiry was held? If not, why not?

(*i*) Are the Government considering the desirability of holding any inquiry into the matter by some responsible Government High Official at Chittagong, say, the Divisional Commissioner?

The Hon'ble the MAHARAJADHIRAJA BAHADUR of BURDWAN: Government understand that notice of a civil suit for damages has been served on an officer of Government in connection with the subject-matter of the question, and in the circumstances they are not prepared to give a reply to this question.

Cases of abduction in Rangpur.

155. Rai Sahib PANCHANAN BARMA: Will the Hon'ble the Member in charge of the Police Department be pleased to lay on the table a statement showing—

(*i*) the total number of cases of abduction or kidnapping within the first half of the current year in each of the subdivisions of the district of Rangpur;

(*ii*) how many cases for such offences were instituted during the period;

(*iii*) how many of them were disposed of and with what result; and

(*iv*) how many of them are still pending, and who are the parties concerned, i.e., complainant and accused by religion, i.e., Hindus, Muhammadan, Christian and others?

The Hon'ble Mr. H. L. STEPHENSON: (*i*) and (*ii*) The number of cases reported to the police or to Magistrates is as follows. Government have no information of any other cases:—

	Sadar	...	...	... 14
	Kurigram	...	...	.. 7
	Nilphamari	...	...	... 7
	Gaibandha	...	...	... 7
(*iii*)	Sadar	...	...	... 11
	Kurigram	...	...	... 5
	Nilphamari	...	...	... 7
	Gaibandha	...	...	... 4

Sadar: Of the 11 cases, complaints in 8 cases were dismissed and in the remaining 3 cases, the accused were discharged for want of evidence.

Kurigram: Of the 5 cases, one ended in conviction and the accused in the other 4 cases were discharged.

Nilphamari: Of the 7 cases, the complaints were dismissed in 4 cases. In 2 cases the accused were discharged for want of evidence. The other case was found not to be one of abduction or kidnapping.

Gaibandha: The police inquired and reported that these were not cases of abduction or kidnapping. The accused in all these cases were discharged.

(*iv*)	Sadar	...	...	... 3
	Kurigram	...	...	... 2
	Nilphamari	...	...	... Nil
	Gaibandha	...	...	... 3

Sadar: In 2 cases both parties are Muhammadans and in one case the complainant is a Hindu and the accused Muhammadans.

Kurigram: In one case the complainant is a Muhammadan and the accused are 2 Hindus and 8 Muhammadans, and in the other case the complainant is a Hindu and the accused are one Hindu and 6 Muhammadans.

Gaibandha: In 2 cases the complainants are Hindus and the accused are Muhammadans. In the third case, the complainants and the accused are both Muhammadans.

Representation of depressed classes on district and local boards.

156. Babu BHISHMADEV DAS: (*a*) Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state what is the percentage of members from the depressed classes on the district and local boards?

(*b*) Will the Hon'ble the Minister be pleased to state what steps, if any, have been taken to secure adequate representation of these classes on the Boards?

(*c*) Is the Hon'ble the Minister aware that there was only one Namasudra member on the Faridpur district board for several years and there is none at present?

(*d*) Will the Hon'ble the Minister be pleased to state whether Government are taking steps to secure adequate representation of these classes on these boards?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*a*) The figures for all district and local boards are not available, but the percentage of members from the depressed classes (Namasudras) on the Faridpur district board is 3·3 and that on the local boards is 8·7.

(*b*) The attention of the member is drawn to Government Circular No. 2 T./M., dated the 2nd August, 1912, a copy of which will be found on page 406 of the Bengal Council Proceedings, Volume XLVIII, 1916. In their letter No. 271M., dated the 17th January, 1922, a copy of which is laid on the Library table, Government asked the Commissioner of the Dacca Division, where the number of Namasudras is large, to consider their claims in making appointments to the local bodies.

(*c*) The member is referred to the reply to clause (*c*) of unstarred question No. 101 asked by him at this session.

(*d*) Government do not propose to take any further action in the matter.

Recruitment from depressed classes to appointments in Bengal Civil Service.

157. Babu BHISHMADEV DAS: (*a*) Will the Hon'ble the Member in charge of the Appointment Department be pleased to state—

(*i*) on what basis the classification of the depressed or backward classes was made in the selection of candidates and making appointments for the Bengal Civil Service; and

(*ii*) what proportion of candidates was selected from those classes and what proportion of appointments was given to them?

(*b*) Will the Hon'ble the Member be pleased to state whether the Government are considering the desirability of reserving at least one-sixth or a fair proportion of the appointments in every department for the depressed classes as enumerated in the Calcutta University Commission's Report?

The Hon'ble Mr. H. L. STEPHENSON: (*a*) (*i*) and (*ii*) It appears from the report of the Selection Committee that they had some difficulty in defining the term "backward classes." They selected 34 candidates or one-sixth of the total number as representatives of the backward classes, and the examination committee classified these candidates in a separate list. In making eight appointments to the Bengal Civil Service Government selected one candidate from that separate list.

(*b*) For the next examination Government have directed the Selection Committee to give special facilities to any nominees who are Anglo-Indians, Indian Christians, Buddhists, or members of the depressed classes enumerated in the Calcutta University Commission's report, but Government have not prescribed that a specific proportion of such candidates shall be selected. Government have reserved the right to appoint any individual from the category above described provided that he is qualified, but Government have no intention of reserving any proportion of appointments to these classes.

Recording of votes for election to Gopalganj local board.

158. Babu BHISHMADEV DAS: (*a*) Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state—

(*i*) up till what hour the recording of votes for election of local board members continued at the police-stations of Gopalganj, Kasiani, Kotalipara and Maksudpur in Faridpur;

(*ii*) how many votes and what percentage of voters recorded their votes; and

(*iii*) whether it is a fact that many voters remained without food or sleep for the whole night?

(*b*) What steps are the Government proposing to take to prevent a recurrence of such inconvenience to voters?

The Hon'ble Sir SURENDRA NATH BANERJEA:

(*a*) (*i*)

Name of police-station.	Local Board election commenced.	Local Board election terminated.
Gopalganj ...	2nd December, 1922 (9 A.M.) ...	3rd December, 1922 (5 A.M.)
Kasiani ...	5th December, 1922 (9 A.M.) ...	6th December, 1922 (3 A.M.)
Kotwalipara ...	5th December, 1922 (9 A.M.) ...	5th December, 1922 (6 P.M.)
Muksudpur ...	2nd December, 1922 (9 A.M.) ...	2nd December, 1922 (9 P.M.)

(*ii*)

	Number of votes recorded.	Percentage of votes recorded to the total number of voters in the roll.
Gopalganj	3,969	88·2
Kasiani	2,634	88·7
Kotwalipara	2,647	58·5
Muksudpur	1,318	53·5

(*iii*) The District Magistrate reports as follows:—

The election proceedings at Kotwalipara and Muksudpur terminated with the declaration of the poll at 6 P.M. and 9 P.M., respectively. At Gopalganj and Kasiani, the result of the election was not declared until 5 A.M. and 3 A.M., respectively, and the recording of votes must have continued until far into the night. It is to be feared that voters suffered some inconvenience, although it was possible for them to obtain food in the village, where there are good shops.

(*b*) Rule 33 of the Election Rules under the Local Self-Government Act, of which a copy is laid on the Library table, provides for the holding of elections in more than one place in a thana and rule 37 authorises the Magistrate to appoint Assistant Presiding Officers for condemning the election proceedings within reasonable time. Government are of opinion that these rules are sufficient to meet the situation that arises if a large number of voters attend the polling booths. Attention will be drawn to the desirability of providing a sufficient number of polling places, where heavy polling is expected.

Lady Doctor in Chittagong Hospital.

159. Babu ANNADA CHARAN DUTTA: (*a*) Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state how long the post of Lady Doctor in the Chittagong Hospital has been vacant?

(*b*) Is it a fact that the Civil Surgeon feels urgently the necessity for a Lady Doctor to attend the patients in the female ward and that he has moved the District Board of Chittagong to provide a Lady Doctor?

(*c*) Is it a fact that the District Board of Chittagong has declined to make such provision unless the power of appointment, dismissal, and suspension and the like is given to the Chairman of the District Board of Chittagong and that the Civil Surgeon wants to have the said power as head of the Medical establishment?

(*d*) Will the Hon'ble the Minister be pleased to state what is the rule or practice in this matter in other districts?

(*e*) Will the Hon'ble the Minister be pleased to state whether any step is being taken to settle the aforesaid difference between the Civil Surgeon and the District Board of Chittagong, so that a Lady Doctor may soon be appointed for Chittagong?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*a*) Since August, 1921.

(*b*) Yes.

(*c*) This appears to be the case.

(*d*) Under Dispensary Rule 10 a Lady Doctor, if a registered practitioner, would be appointed by the Managing Committee in the case of the Chittagong Hospital which comes under Class IV. If the Lady Doctor were a non-registered practitioner, the Managing Committee could still appoint her with the special permission of Government. These general rules are, however, subject to certain special rules which have been sanctioned in respect of the Chittagong Hospital under the following circumstances.

Formerly the Chittagong Hospital was under the joint management of the Municipality and the District Board, but in 1919 the hospital was placed under the control of a Managing Committee consisting of 8 *ex officio* and 15 non-official members, to which the District Board and the Municipality elected representatives. A scheme has been drawn up under the Charitable Endowments Act for the management of the institution, and under article 6 of the Schedule annexed to the Scheme the general management of the hospital is in the hands of the Civil Surgeon of Chittagong, while under article 11 the appointment and dismissal of the members of the hospital staff is in his hands subject to such rules as the Committee shall prescribe. It is for the Committee of Management to decide whether the appointment of a Lady Doctor should be made by the Civil Surgeon under this article or in some other way.

(*e*) This is a matter for the Managing Committee to decide.

Relative strength in rating, voting and number of Hindus and Muhammadans in each local body and number of voters for different electorates of the Legislative Council.

160. Babu KISHORI MOHAN CHAUDHURI: Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to lay on the table a statement showing—

(*i*) the relative strength in rating, voting and number of the Hindus and Muhammadans in each local and district board and each municipality in the province of Bengal; and

(*ii*) the number of voters in Bengal for the Legislative Council for the different electorates?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*i*) As regards the number of Hindus and Muhammadans in each municipality the member is referred to the Table, a copy of which was laid on the Library table, in reply to unstarred question No. 5 asked by Maulvi Yakuinuddin Ahmed at the meeting of the Council held on the 20th November, 1922.

Similar figures for each local board are not available as the census statistics of each subdivision by religion have not yet been published.

For the number of Hindus and Muhammadans in each district, which practically covers the area of a district board, the member is referred to pages 140-41 of the General Administration Report for 1921-22. A statement showing the voting and rating strength of each municipality is laid on the Library table. These figures relate to the years in which municipalities were last reconstituted.

Similar figures for local and district boards are not readily available and their compilation would involve much time and expense which in the opinion of Government would not be justified.

(*ii*) A statement is laid on the Library table.

Case of a Khilafat volunteer prosecuted for disorderly conduct.

161. Khan Bahadur Maulvi HAFIZAR RAHMAN CHAUDHURI: (*a*) Will the Hon'ble the Member in charge of the Police Department be pleased to state whether it is a fact that one Shaik Rahimuddin, a Khilafat volunteer, was prosecuted on a charge of disorderly conduct, before Mr. Sarbadhikari, Honorary Magistrate of Jorabagan, in February last?

(*b*) Is it a fact that the accused was arrested by a European Sergeant as he was posting a placard on the wall of the house in front of the Barabazar thana?

(*c*) Is it a fact that in these handbills subscriptions were invited by the Khilafatists, for an aeroplane to be presented to Ghazi Mustafa Kemal Pasha?

(*d*) Is it a fact that the accused was discharged by the Magistrate who remarked that he had never heard of such a thing as disorderly conduct for posting handbills?

The Hon'ble Mr. H. L. STEPHENSON: (*a*) No one named Shaik Rahimuddin was prosecuted. The reference is apparently to one Muhammad Mohiuddin who was charged as stated in the question.

(*b*) He was arrested as he was boisterous and disorderly when warned.

(*c*) Government have no information.

(*d*) He was warned and discharged in this case and fined Rs. 5 for creating a disturbance in court.

Copyists and typists of Courts.

162. Rai HARENDRANATH CHAUDHURI: (*a*) Will the Hon'ble the Member in charge of the Judicial Department be pleased to state—

(*i*) the entire income from the copying departments of all the courts of justice, civil and criminal in Bengal;

(*ii*) what would be the total cost involved in organising the typists and the copyists into a regular establishment on a fixed salary and time-scale basis?

(*iii*) why the typists and copyists are not allowed to fill up the vacancies in ministerial offices;

(*iv*) what is the total number of typists and copyists engaged in all the courts of justice in Bengal at present; and

(*v*) what was their number at the beginning of 1921?

(*b*) Is it a fact that in many courts new hands have been and are being taken since 1921, with the result that many of the permanent typists and copyists are not getting the minimum remuneration mentioned in the High Court Rules and Circular Orders Nos. 8 and 2, dated the 23rd June, 1921?

(*c*) If the answer be in the affirmative, how many of the typists and copyists engaged before 1921 are not getting the minimum remuneration mentioned in the aforesaid High Court Rules and Circular Orders?

(*d*) If the answer to (*b*) be in the negative, whether it is a fact that two extra copyists are still attached to the Munsif's Court at Basirhat with the result mentioned above?

The Hon'ble Sir ABD-UR-RAHIM: (*a*) (*i*) Rs. 7,53,048 for 1921.

(*ii*) No scale of pay is suggested in the question; so no calculation can be made.

(*iii*) Permanent vacancies are filled up from the grade of probationers. Typists and copyists are, however, occasionally employed in acting vacancies.

(*iv*) One thousand one hundred and ninety-six.

(*v*) One thousand two hundred and ninety-one.

(*b*) No.

(*c*) Does not arise.

(*d*) Two extra copyists were appointed at Basirhat in August and September, 1921, respectively.

Methods of agriculture, gardening, etc.

163. Rai HARENDRANATH CHAUDHURI: Will the Hon'ble the Minister in charge of the Department of Agriculture and Industries be pleased to state what steps, if any, are being taken—

(*i*) to demonstrate intensive methods of agriculture and acquaint the rural people with them;

(*ii*) to encourage market-gardening;

(*iii*) to make experimental farms self-supporting; and

(*iv*) to introduce co-operative marketing?

Mr. J. T. DONOVAN: (*i*) The investigation and demonstration to the rural people of intensive methods of agriculture is one of the chief functions of the Department of Agriculture. The evolution of improved races of staple crops, the investigation of better methods of fertilising the land, and, in collaboration with the officers of the Co-operative Department, the making of arrangements to provide the necessary funds, for the cost of manures, the improvement of cattle and the investigation into fodder production are examples of the steps taken by the Department of Agriculture to this end, and for further information the member is referred to the annual reports of the Department of Agriculture.

(*ii*) The Department of Agriculture has demonstrated the value of cold weather vegetables and has successfully introduced their cultivation in various tracts.

(*iii*) The functions of experimental farms are to be distinguished from those of demonstration farms. Experimental farms are utilised for the purposes of testing on a field scale the results obtained from research and scientific investigation by experts and adjusting them to local conditions as the essential preliminaries to their introduction into agricultural practice. It is obvious therefore that these experimental farms cannot always be self-supporting. In the demonstration farms every step is being taken to make the operations a financial success in all directions in which they are not experimental in nature.

(*iv*) The member is referred to the annual reports of the Co-operative Department. Co-operative marketing has met with some success in the Rajshahi and Bakarganj districts. The question of the co-operative marketing of jute has occupied the attention of the department for several years and several experiments have been made none of which can be described as very successful. An experiment is now actually in progress in the Mymensingh district from which considerable hopes of success are entertained.

Persons sentenced under the Criminal Law Amendment Act and non-co-operation prisoners.

164. Rai HARENDRANATH CHAUDHURI: Will the Hon'ble the Member in charge of the Political Department be pleased to state—

(*i*) how many of the persons arrested and convicted under the Criminal Law Amendment Act (as given in the answer to starred question No. II of 1922, dated the 3rd July) were sentenced to imprisonment for more than six months; and

(*ii*) how many of the 162 non-co-operation prisoners serving their terms of imprisonment on the 30th December, 1922, were—

(*a*) educated men, i.e., graduates and undergraduates;

(*b*) undergoing imprisonment for more than six months;

(*c*) sentenced under the Criminal Law Amendment Act;

(*d*) sentenced under sections 124A and 153A of the Indian Penal Code; and

(*e*) their names?

The Hon'ble Mr. H. L. STEPHENSON: In order to reply to this question it would be necessary to refer to District Magistrates and the information could not be obtained in time for the answer to be given before the Council is prorogued.

Charitable dispensaries and hospitals.

165. Rai HARENDRANATH CHAUDHURI: Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state—

(*i*) how many new charitable dispensaries subsidised by the Government have been started in Bengal during the years 1921 and 1922 and how many it is proposed to start in 1923; and

(*ii*) what additional room or facilities have been provided since the 1st January, 1921, for the treatment of patients in the existing hospitals through Government aid?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*i*) During the year 1921 no dispensary subsidised by Government was started. In February last sanction was accorded to the grant of Rs. 15,000 to the several district boards for the establishment of 39 dispensaries at thanas and in rural areas. Most of these institutions were started during the year 1922. The sum of Rs. 15,000 has been provided in the current year's budget for the maintenance of those institutions.

(*ii*) Generally speaking no additional accommodation has been added to existing hospitals. In 1922-23 important mufassal hospitals were given Rs. 20,000 to assist in meeting their expenditure. Government, moreover, decided (*vide* Circular No. 151—55 T. Mdl., dated 20th June, 1923, of which a copy is laid on the Library table) to charge dispensary committees at district headquarters at the rate of Rs. 290 and Rs. 76 per mensem for Assistant and Sub-Assistant Surgeons instead of Rs. 420 and Rs. 137 which is the amount required to meet the cost of average pay, pension, and leave as a result of the recent revision of pay. This concession is in effect a new subsidy to local hospitals.

Weaving School at Basirhat.

166. Rai HARENDRANATH CHAUDHURI: Will the Hon'ble the Minister in charge of the Department of Agriculture and Industries be pleased to state whether it is in the contemplation of the Government to start a Weaving School at Basirhat in the district of the 24-Parganas?

Mr. J. T. DONOVAN: The reply is in the negative.

Area under rice, sugar-cane and cotton and botanical survey of cotton tracts.

167. Rai HARENDRANATH CHAUDHURI: (*a*) Will the Hon'ble the Minister in charge of the Department of Agriculture and Industries be pleased to lay on the table a statement showing—

(*i*) the area in acres under—

(1) rice

(2) sugar-cane, and

(3) cotton; and

(*ii*) the outturn per acre of these crops in the years 1921-22 and 1922-23?

(*b*) Will the Hon'ble the Minister be pleased to lay on the table a copy of the results of the promised Botanical Survey of the cotton tracts of the province, if completed?

Mr. J. T. DONOVAN: (*a*) A statement is laid on the table.

(*b*) The cotton survey is still in progress.

Statement referred to in the reply to unstarred question No. 167 (a) showing the area, in acres, and outturn, per acre, of rice, sugarcane and cotton crops in Bengal during the years 1921-22 and 1922-23.

Name of crop.	AREA IN ACRES.		OUTTURN PER ACRE (CLEAN GRAIN).		Remarks.
	1921-22.	1922-23.	1921-22.	1922-23.	
Winter rice ...	15,850,200	16,209,900	0·46 tons	0·45 tons	
Autumn rice ...	5,607,300	5 160,200	0·33 ,,	0·31 ,,	
Summer rice ...	374,800	403,200	0·40 ,,	0·41 ,,	
Sugar-cane ...	220,900	200,600	1·08 ,,	1·06 ,,	
Cotton	65,156*	71,798*	0·22 bales	0·24 bales	* Includes Hill Tippera.

N.B.—One maund of paddy is equivalent to 25 seers of rice.

Subdivisional Officer of Pirojpur.

168. Maulvi FAZLAL KARIM: (*a*) Will the Hon'ble the Member in charge of the Appointment Department be pleased to state—

(*i*) whether the Subdivisional Officer of Pirojpur, district Bakarganj, has got permission of the authorities to raise subscriptions for—

(1) the Waddell Bund;

(2) a Club;

(3) a Library;

(4) a Girls' School; and

(5) a Dispensary?

(*ii*) what amount has been raised under each of those heads;

(*iii*) whether receipts have been given to the subscribers; and

(*iv*) whether regular accounts have been kept, audited and passed in any meeting?

(*b*) Is the Hon'ble the Member considering the advisability of inquiring as to the mode and manner of raising the subscriptions and the class of persons from whom it has been raised?

(*c*) Will the Hon'ble the Member be pleased to state whether the said officer has any immovable property in the district?

The Hon'ble Mr. H. L. STEPHENSON: Information has been asked for but has not yet been received. On its receipt Government will consider whether any action is necessary.

Facilities to Muhammadan employees to say their midday prayers.

169. Maulvi FAZLAL KARIM: (*a*) Will the Hon'ble the Member in charge of the Appointment Department be pleased to state whether there is any circular which gives facilities to Muhammadan officers in all Government offices to say their daily midday (Johur) prayer?

(*b*) Is the Hon'ble the Member aware that there has been a feeling of discontent amongst Muhammadan officers in the district of Bakarganj owing to some heads of the departments taking objection to those officers being absent from office for a quarter of an hour or so to say their midday prayer and asking them to attend the office at 10-30 A.M. in order to compensate for the absence in spite of the fact that they work often till evening and on holidays without any remuneration for extra work?

(*c*) Is the Hon'ble the Member aware that these poorly paid ministerial officers cannot engage any servant and that they have to make their own marketing and it is very hard for them to attend office at 10-30 A.M.?

(*d*) Are the Government considering the desirability of issuing a circular to all Government offices giving facilities to the Muhammadan officers to say their daily midday (Johur) prayer unconditionally?

The Hon'ble Mr. H. L. STEPHENSON: (*a*) There is no such circular.

(*b*) and (*c*) It is understood that the Superintendent of Police, Bakarganj, allowed the Muhammadan clerks in his office leave of absence for a quarter of an hour to say their midday prayers, but the privilege having been abused, he issued an order on the 11th June last requiring those clerks to attend office at 10-30 A.M. in order to make up the time spent in prayers. As the Muhammadan clerks gave an undertaking, the order was rescinded on the 20th July last. No such order has been issued by any other officers in the district.

(*d*) No.

Leasing out by zamindars the bank of the river on the town-side of Patuakhali.

170. Maulvi FAZLAL KARIM: (*a*) Will the Hon'ble the Member in charge of the Department of Revenue (Land Revenue) be pleased to state the extent and nature of right of the Government and of the public in respect of the banks of navigable rivers?

(*b*) Is the Hon'ble the Member aware that the zamindars have leased out the town-side of the bank of the Patuakhali river causing much inconvenience to the public when landing in the Patuakhali town in the district of Bakarganj?

(*c*) Are the Government considering the desirability of taking any action in the matter if there is any encroachment upon the rights either of the Government or of the public owing to the leasing out of the bank by the zamindars?

The Hon'ble the MAHARAJADHIRAJA BAHADUR of BURDWAN: (*a*), (*b*) and (*c*) The facts are reported to be as stated in (*b*). Legal opinion is being obtained by the local officers as to whether any, and if so what, steps can be taken in the matter.

trict Judge, Pabna.

171. Mr. RAZAUR RAHMAN KHAN: (*a*) Will the Hon'ble the Member in charge of the Judicial Department be pleased to state how many public records have been lost from the custody of Government officers at different dates during the administration of the present District Judge of Pabna?

(*b*) Will the Hon'ble the Member be pleased to state whether it is a fact that a case for criminal embezzlement has fallen through on account of loss or suppression of the original Civil Court records?

(*c*) Will the Hon'ble the Member be pleased to state whether it is a fact that the present District Judge is in the habit of searching the pockets of clerks and of late searched the pockets of all the clerks attached to the third Munsif's Court, Pabna, and found them to be in possession of money? If so, what was the result?

(*d*) Will the Hon'ble the Member be pleased to state whether it is a fact that although numerous graduates (both Hindus and Muhammadans) below the prescribed age, with distinction and honour, applied for paid probationerships, yet the District Judge has taken in several persons, who are not sufficiently qualified and have exceeded the age-limit prescribed by the Government?

(*e*) If so, will the Hon'ble the Member be pleased to state what public grounds demanded such departure from the Government rules?

(*f*) Will the Hon'ble the Member be pleased to state whether it is a fact that the District Judge turned out some old enlisted candidates for process peonship without any fault and provided his own domestic servants with Government service?

The Hon'ble Sir ABD-UR-RAHIM: (*a*) Two. Six more disappeared before his appointment.

(*b*) No.

(*c*) No. Three clerks were called on on one occasion to produce any money in their possession and they did so. It could not be proved that the money was received as bribes. No regular proceedings were taken against them.

(*d*) and (*e*) Out of 7 probationers taken in by the present Judge 6 are graduates and one a matriculate. Two of them were admitted above the age-limit as they had previously served Government in a temporary capacity.

(*f*) The Judge discharged some candidates who had been enlisted for the post of process-serving peon on the ground of inefficiency. It is not a fact that he has provided his own domestic servants with Government service except one who was recently given a temporary appointment as night watchman.

Admission of students into Baker and Elliot Hostels.

172. Mr. RAZAUR RAHMAN KHAN: (*a*) Will the Hon'ble the Minister in charge of the Department of Education be pleased to state whether he is aware that Moslem students coming from the provinces outside Bengal and even those from outside British India are admitted into the Baker and Elliot Hostels while students from Bengal are refused admission?

(*b*) Will the Hon'ble the Minister be pleased to state the number of Bengali and non-Bengali Muhammadan students of the Baker and Elliot Hostels, respectively?

The Hon'ble Mr. P. C. MITTER: (*a*) and (*b*) A statement is laid on the table.

Statement referred to in the reply to unstarred question No. 172

ELLIOT HOSTEL.

College students.	1920. Admitted and readmitted.	1921. Admitted and readmitted.	1922. Admitted and readmitted.	1923. Admitted and readmitted.	Remarks.
Bengali Muhammadan	18	28	24	35	In addition to college students there are resident some 90 boarders from the Arabic and Anglo-Persian departments of the Calcutta Madrassah. Of these 90, 11 are non-Bengali and 79 are Bengali.
Non-Bengali Muhammadan.	5	2	1	9	
Non-medical Muhammadan.	1	...	...	...	
Number refused admission.	In each year about 20 Bengali and 10 non-Bengali.				
Number of students from outside British India.	...	...	...	...	

BAKER HOSTEL.

Year.	TOTAL NUMBER OF STUDENTS ON THE ROLLS.		ADMITTED OR READMITTED.		ADMISSION REFUSED.		Remarks.
	Bengali Muhammadans.	Non-Bengali Muhammadans.	Bengali.	Non-Bengali.	Bengali.	Non-Bengali.	
1923 ...	151	49*	...	...	90	40	* This includes 21 Presidency College and ex-Madrassah students who, according to rule, must be provided with seats.
1922 ...	...	...	88	29†	About the same number.	About the same number.	† Includes 10 Presidency College and ex-Madrassah boys.
1921 ...	...	...	111	46‡			‡ Includes 6 Presidency College and ex-Madrassah boys.
1920 ...	...	...	105	22§			§ Includes 8 Presidency College and ex-Madrassah boys.

NOTE.—In July last three students from the States of Hyderabad (Deccan) and Bhopal were admitted. Of these three, two were, as ex-Madrassah students, entitled to seats.

Sub-Registrar of Pirganj.

173. Maulvi SHAH ABDUR RAUF: (*a*) Will the Hon'ble the Minister in charge of the Department of Education (Registration) be pleased to state—

(*i*) how many cases, if any, under the Stamp Act and the Indian Penal Code were started by Babu Bhola Nath Bhattacharjee, Sub-Registrar of Pirganj, in the district of Rangpur, against persons who came to get their documents registered at the Pirganj Sub-Registry office during the course of the last 14 months;

(*ii*) how many of the cases, if any, ended in conviction; and

(*iii*) what was the amount spent by the Government in each case;

(*b*) Is it a fact that the said Sub-Registrar passed an order of imprisonment for 15 days against one Tasiruddin and sent him direct to the Rangpur jail?

(*c*) Is it a fact that when the matter was brought to the notice of the District Registrar he at once released the man on personal recognizance?

(*d*) Is it a fact that on an appeal the man was acquitted?

MINISTER in charge of DEPARTMENT of EDUCATION [REGISTRATION] (the Hon'ble Mr. P. C. Mitter): (*a*) (*i*) Thirteen cases under the Stamp Act and one case under the Indian Penal Code were instituted by Babu Bhola Nath Bhattacharjee, Sub-Registrar of Pirganj, in the district of Rangpur, against persons who came to get their documents registered at the Pirganj Sub-Registry office during the course of the last 14 months.

(*ii*) The Sub-Registrar recommended prosecution in 3 of the above 13 cases. Two prosecutions were actually made, one ending in conviction and the other in acquittal. Of the 13 cases, documents in the 5 cases were afterwards found to be properly stamped. The cases of 3 documents are yet pending. Duty and penalty have been realized in the remaining 5 cases under section 40 of the Stamp Act. The Indian Penal Code case was under section 228 and is the same one mentioned in the reply to question (*b*).

(*iii*) Rs. 10-12-0 were paid to witnesses as diet money in connection with the above two prosecutions.

(*b*) On the 20th April, 1922, the Sub-Registrar of Pirganj drew up summary contempt proceedings against Rahimuddin Mandal and not Tasiruddin as mentioned in the question for contempt before him when sitting as Sub-Registrar and fined him Rs. 50 under section 480, Criminal Procedure Code, in default 15 days' simple imprisonment; the man could not pay and went to jail.

(*c*) Yes, the man was released by the District Registrar on 25th April, 1922, on personal recognizance of Rs. 100.

(*d*) Yes, on appeal the man was acquitted on 20th September, 1922.

Schools opened under Mr. Biss's scheme for primary education.

174. Rai MAHENDRA CHANDRA MITRA Bahadur: Will the Hon'ble the Minister in charge of the Department of Education be pleased to state—

(*i*) the number of schools for primary education opened under Mr. Biss's scheme up till now; and

(*ii*) the places where they have been located?

The Hon'ble Mr. P. C. MITTER: (*i*) and (*ii*) A statement is laid on the table.

Statement referred to in the reply to unstarred question No. 174 showing list of schemes for primary education for which grants have been sanctioned.

*1. Yusufpur Union (Rajshahi).
*2. Bhabakhali Union (Mymensingh).
*3. Digharkundi Union (Mymensingh).
*4. Sutrakhali Union (Mymensingh).
5. Bhajanpur Union (Jalpaiguri).
*6. South Kharia Union (Jalpaiguri).
*7. Jhikargacha (Jessore).
8. Rajbari Union (Faridpur).
9. Basirhat Municipality.
10. Cossipore-Chitpur Municipality.
*11. Nalchiti Municipality (Barisal).
12. Benodepur Union (Noakhali).
13. Narendra Union (Midnapore).
14. Kasimpore Union (Malda).
*15. Indas, Patrasair, Sanbanda and Bikna Unions (Bankura).
*16. Bozratek Union (Malda).
17. Bagnan Union (Howrah).
*18. Bagerhat, Raruli and Tala Union (Khulna).
*19. Jinjira Union (Dacca).
20. Bagnapara Union (Burdwan).
21. Serampore Municipality.
*22. Mainamati Union.
*23. Charshibpur Union (Bakarganj).
*24. Sat Bankura Union (Midnapore).
25. Raiganj Union (Dinajpur).
*26. Hashimpur Union (Dinajpur).
27. Mahalandi Union (Murshidabad).
*28. Malki Union (Hooghly).
*29. Jangalbadhai Union (Jessore).
*30. Labpur Union (Birbhum).
*31. Gajaghanta Union (Rangpur).
*32. Sultanpur Union (Birbhum).
33. Basirhat Municipality.
34. South Suburban Municipality.
*35. Burdwan Municipality.
36. Bhangamora Union (Hooghly).
37. Rameswarpur-Gopalnagar Union (Hooghly).
38. Rangpur Municipality.
39. Chandpur Municipality.
*40. Ichapur Rifle Factory.

*Schools have been started at the places marked with an asterisk.

Scarcity of drinking water in Burdwan Division.

175. Rai LALIT MOHAN SINGH ROY Bahadur: (*a*) Is the Hon'ble the Minister in charge of the Department of Local Self-Government aware that acute distress on account of scarcity of drinking water prevails in the districts of West Bengal every year from the month of April till the rains set in properly?

(*b*) Will the Hon'ble the Minister be pleased to state the number of District Boards' wells or tanks in each of the following districts—

Hooghly, Howrah, Birbhum, Burdwan, Bankura and Midnapore?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*a*) The answer is in the affirmative.

(*b*) A statement is laid on the Library table.

Submission of books to Government on issue.

176. Raja MANILOLL SINGH ROY: (*a*) Will the Hon'ble the Member in charge of the Political Department be pleased to state whether it is a fact that when a book is printed and its copyrights are registered in Bengal, two copies of each are sent to the Government of Bengal in the Registration Department?

(*b*) Is it a fact that both these copies are sent to England?

(*c*) Will he be pleased to state how they are utilised in England? Is he aware of the fact that in England and elsewhere there are copyright libraries open to the public for reference?

(*d*) Are the Government considering the desirability of keeping the said copies in Calcutta for the benefit of the people of the country?

The Hon'ble Mr. H. L. STEPHENSON: (*a*) Only one copy of each book printed or lithographed in Bengal is received by Government. Copyrights are no longer registered.

(*b*) This copy is not sent to England.

(*c*) Does not arise.

(*d*) All books received by Government are, according to rule, kept in the Bengal Library for one year, after which those which are considered of sufficient interest or importance are sent to the Imperial Library to be kept in the portion of that Library devoted to the public.

Second grade Science College at Burdwan.

177. Raja MANILOLL SINGH ROY: (*a*) Is the Hon'ble the Minister in charge of the Department of Education aware that there is a demand for a second grade Science College at Burdwan?

(*b*) If the answer to (*a*) be in the affirmative, will the Hon'ble the Minister be pleased to state what action, if any, the Government are proposing to take in the matter?

The Hon'ble Mr. P. C. MITTER: (*a*) Yes.

(*b*) The Calcutta University Commission recommended the establishment of Intermediate Colleges in every district in Bengal. When University reform on the lines proposed becomes possible, Government will be pleased to assist local effort in establishing an intermediate college at Burdwan to the extent of its finances.

Admission to Campbell Medical School.

178. Babu RISHINDRA NATH SARKAR: (*a*) Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state whether admissions in the Campbell Medical School are made before the results of the Matriculation Examination are published?

(*b*) Is the Hon'ble the Minister considering the desirability of fixing the last date for applications for admission to the Campbell Medical School, and other Medical Schools in Bengal, a fortnight after the matriculation results are published?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*a*) Yes.

(*b*) No; this is not practicable. The session of the Campbell and other Medical Schools begins on the 1st July, and it is essential that new entrants should begin the course at once in order to be prepared for the September Test Examination. The results of the matriculation examination in the Calcutta University are frequently published considerably later than the 1st July. But in any case candidates are unlikely to obtain admission on the year they matriculate since I.Sc. passed and failed candidates and matriculates of the previous year have to some extent a prior claim. The Dacca University publishes its matriculation results earlier and subject to the above consideration, its matriculates have some chance of obtaining admission at once to the Dacca Medical School.

Professor Dreyer's system of treatment of tuberculosis.

179. Babu SURENDRA NARAYAN SINHA: Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state whether Government are considering the advisability of introducing into Bengal the new system of treatment of tuberculosis discovered by Professor Dreyer?

The Hon'ble Sir SURENDRA NATH BANERJEA: Professor Dreyer's treatment is still in the experimental stage, but inquiries will be made regarding it.

Calcutta Madrassah and other Moslem schools.

180. Dr. A. SUHRAWARDY: Will the Hon'ble the Minister in charge of the Department of Education be pleased to lay on the table a statement showing—

(*i*) the salary and emoluments of the Principal of the Calcutta Madrassah; and

(*ii*) the cost of the upkeep of—

(*a*) the Woodburn Moslem Boys' School;

(*b*) the Karaya Moslem Boys' School; and

(*c*) the Dacca Moslem High School?

The Hon'ble Mr. P. C. MITTER: (*i*) and (*ii*) A statement is laid on the table.

Statement referred to in the reply to unstarred question No. 180, showing (i) the salary and emoluments of the Principal, Calcutta Madrassah, and (ii) the cost of the upkeep of certain educational institutions.

	Pay.	Overseas pay.	Total emoluments.
	Rs.	Rs.	Rs.
(*i*) Salary and emoluments of the Principal, Calcutta Madrassah	1,250	250	1,500
(*ii*) Cost of the upkeep of—			
(*a*) The Woodburn Middle English School	5,520 per year.		
(*b*) The Karaya Middle English School	7012 ,,		
(*c*) The Dacca Moslem High School ...	19,791 ,,		

Deprovincialization of certain Moslem schools.

181. Dr. A. SUHRAWARDY: Is the Hon'ble the Minister in charge of the Department of Education aware of the discontent, dissatisfaction and resentment amongst the Muhammadans at the proposed abolition of the—

(*a*) Dacca Moslem High School;
(*b*) the Woodburn Moslem Middle English School, Calcutta;
(*c*) the Karaya Moslem Boys' School, Calcutta;
(*d*) the Muktabs;
(*e*) the Faizunnessa Girls' Schools; and
(*f*) other institutions calculated to advance the educational interests of the Muhammadans?

The Hon'ble Mr. P. C. MITTER: There is no intention to abolish the senior madrassahs at Calcutta, Dacca, Hooghly and Chittagong or the Dacca Moslem High School. The question of deprovincialising the Woodburn Middle English School and the Karaya Moslem Middle English School and handing them over to managing committees with suitable grants is under the consideration of Government and no decision has yet been arrived at. It has been decided that the 6 model muktabs and the Faizunnessa Lower Primary Girls' School at Comilla should be deprovincialized and steps are being taken to ascertain whether the local committees are willing to take them over and, if so, on what terms.

Governing Body for Calcutta Madrassah.

182. Dr. A. SUHRAWARDY: Will the Hon'ble the Minister in charge of the Department of Education be pleased to state the reason for not appointing a Governing Body for the Calcutta Madrassah on the lines of that for the Sanskrit College?

The Hon'ble Mr. P. C. MITTER: The Sanskrit College is, as regards its Arts Department, an institution affiliated to Calcutta University and the regulations of the University necessitate a Governing Body. A separate Governing Body for the Oriental side of the Sanskrit College has recently been appointed. The Anglo-Persian Department of the Calcutta Madrassah has its Managing Committee. The desirability of appointing a Governing Body for the Arabic Department of the Calcutta Madrassah has never, so far as Government is aware, been suggested.

Sanitary dwellings for poorer classes of Calcutta.

183. Babu AMULYA DHONE ADDY: (*a*) Has the attention of the Hon'ble the Minister in charge of Department of Local Self-Government been drawn to the sufferings of the poor people of Calcutta owing

to the removal of huts, due to the enforcement of Bustee Regulations by the General Committee of the Calcutta Corporation and also by the landlords of Calcutta for the erection of masonry buildings?

(*b*) Is the Hon'ble the Minister aware that the Corporation has not been able, for want of funds, to erect any dwelling houses for the said people though they are authorised to do so under section 394 of the Calcutta Municipal Act?

(*c*) Will the Hon'ble the Minister be pleased to state whether the Government are considering the desirability of taking necessary steps for the erection of sanitary dwellings for the poorer classes of Calcutta?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*a*) No.

(*b*) Yes.

(*c*) The Committee recently appointed to advise Government regarding the housing and communications problem of Calcutta has not yet reported and Government are not prepared at present to make any statement on the question of sanitary housing for the poor.

Remedial measures with regard to Bamnida bund in Nadia.

184. Khan Bahadur Maulvi EMADUDDIN AHMED: (*a*) Will the Hon'ble the Minister in charge of the Department of Public Works be pleased to state whether the report of the Committee appointed to investigate and suggest remedial measures with regard to the "bund" at the 116th mile on the main railway line from Calcutta over the river Bamnida in the district of Nadia has been submitted to Government?

(*b*) If so, will the Hon'ble the Minister be pleased to lay on the table a copy of the report?

(*c*) Will the Hon'ble the Minister be pleased to state what steps, if any, the Government are proposing to take as remedial measures?

Mr. C. C. DEY: (*a*) and (*b*) A final report has not been submitted. A copy of an *ad interim* report is laid on the Library table.

(*c*) The matter has been referred to the Railway Board.

Sara-Santahar line and North Bengal flood.

185. Maulvi YAKUINUDDIN AHMED: (*a*) Will the Hon'ble the Minister in charge of the Department of Public Works be pleased to state whether it is a fact that as long as the metre gauge bank of the Sara-Santahar line was below the flood level it could allow any surplus water to escape very easily?

(*b*) Is it a fact that when the metre gauge was converted into broad gauge the number and length of the existing culverts and bridges were actually decreased?

(*c*) Is it a fact that the construction of the broad gauge has made it practically impossible for any surplus water to find its way out?

(*d*) Is it a fact that the railway engineer reduced the waterways in order to send all the water down the present main stream of the Ganges in the interests of the Hardinge Bridge?

(*e*) Is it a fact that this attempt has checked the drainage of the entire area west of the Sara-Santahar-Parbatipur line?

(*f*) Is it a fact that the checking of the drainage in that section where the Atrai river crosses the Sara-Santahar line resulted in holding back the water and causing floods?

(*g*) Is the Hon'ble the Minister aware that the Atrai river is the main stream of drainage for the entire area, west of the Sara-Santahar-Parbatipur line?

(*h*) Will the Hon'ble the Minister be pleased to state the reason why sufficient waterways were not provided for the drainage of the Sara-Santahar line when it was converted into broad gauge?

(*i*) Will the Hon'ble the Minister be pleased to state what steps the railway authorities propose to take to prevent interference with the natural drainage and to estimate the rate of flow and clearance of waters from the area in question?

(*j*) Will the Hon'ble the Minister be pleased to lay on the table copies of all the papers and reports regarding the waterways on the Sara-Santahar line and also the copies of the papers regarding criticisms on the proposals of the line from the Katihar-Godagari railway to the point near the mouth of the Baral river and thence to Gopalpur?

(*k*) Is it a fact that next to the Sara-Serajganj line, the Santahar-Bogra line has been responsible for checking the natural drainage of the country?

Mr. G. G. DEY: Yes, by overtopping the embankment.

(*b*) Yes.

(*c*) No, provided the quantity of water to be drained is not abnormal.

(*d*), (*e*), (*f*), (*g*), (*h*), (*i*) and (*k*) The whole question of the floods in Northern Bengal is under inquiry by a Special Committee appointed for the purpose whose final report will not be ready till after the rains.

(*j*) The time and expense involved in copying all these papers is not commensurate with the object aimed at, specially in view of the fact that the subject is still under investigation.

Copyists and typists of Courts.

186. Maulvi YAKUINUDDIN AHMED: (*a*) With reference to the answer given to unstarred question No. 44 at the January session of the Bengal Legislative Council, 1922, will the Hon'ble the Member in charge of the Judicial Department be pleased to state whether any decision has been arrived at regarding the improvement of the prospects of the copyists and typists?

(*b*) Is it a fact that the Registrar of the High Court in his No. 637-G., dated the 4th February, 1921, stated "the Hon'ble Judges are in favour of the creation of a Provident Fund to which Government should add a bonus"?

(*c*) Will the Hon'ble the Member be pleased to state what decision has been arrived at regarding the proposal of the Hon'ble the High Court mentioned in (*b*) above, and whether a Provident Fund has been created, and how much the Government contribute annually towards the bonus?

(*d*) If the answer to (*c*) be in the negative, will the Hon'ble the Member be pleased to state when a Provident Fund for the typists and copyists will be created?

The Hon'ble Sir ABD-UR-RAHIM: (*a*), (*c*) and (*d*) The member is referred to the answers to unstarred question No. 35 by Shah Syed Emdadul Haq. The full details of the scheme have not yet been worked out.

(*b*) Yes.

Alleged enforcement of section 37 (b) of Bengal Act V of 1919 in Tippera District.

187. Mr. K. G. M. FAROQUI: Is the Hon'ble the Minister in charge of the Department of Local Self-Government considering the desirability of inquiring whether the provisions of section 37 (*b*) of the Bengal Village Self-Government Act authorizing the Union Boards to impose additional taxation are being enforced in the district of Tippera in spite of opposition by the majority of members of the Union Boards and the villagers in general?

***The Hon'ble Sir SURENDRA NATH BANERJEA:** Government are informed that no such case has occurred.

Alleged canvassing by a Government servant for Council election.

188. Rai JOGENDRA CHUNDER GHOSE Bahadur: Will the Hon'ble the Member in charge of the Appointment (Legislative) Department be pleased to state whether canvassing for Council election by a

person in the judicial service within the jurisdiction in which he exercises his power, either by himself or by his son, relations or agents, is allowable under the rules?

MEMBER in charge of APPOINTMENT [LEGISLATIVE] DEPARTMENT (the Hon'ble Sir Abd-ur-Rahim): The member is referred to the following extract from rule 23 (2) of the Government Servants' Conduct Rules:—

"A Government servant, who is a whole-time Government servant, may not, by canvassing or otherwise, interfere or use his influence in any way, in an election to a legislative council except that he may record a vote, if he is qualified to do so, and in that case he should, as far as possible, avoid giving any indication beforehand of the direction in which he intends to vote."

Private medical school at Comilla.

189. SHAH SYED EMDADUL HAQ: (*a*) Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state whether he is aware that it is very hard for students from Chittagong to get themselves admitted into the Calcutta Medical School?

(*b*) Is the Hon'ble the Minister aware that an attempt at establishing a medical school in the Chittagong Division was not very effective?

(*c*) Is the Hon'ble the Minister aware that some well-known practitioners of Comilla have started a private medical school from the current month?

(*d*) If the answer to (*c*) be in the affirmative, are the Government considering the desirability of helping the institution in any way or at least by affiliating it?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*a*) Yes. The Campbell Medical School is ordinarily intended for students from the Presidency and Rajshahi Divisions.

(*b*) The question is not understood.

(*c*) The Minister understands this to be the case.

(*d*) The recognition of medical teaching institutions rests with the Medical Council of Bengal, and Government could not give financial aid to an institution which is unable to obtain recognition.

Proposed establishment of union boards in Bakarganj.

190. SHAH SYED EMDADUL HAQ: Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state—

(*i*) whether it is a fact that the inhabitants of the villages Charkhali, Nadmal, Hetalia, Chowaria and Bokhara comprised in

unions 1 and 4 under the police-station Bhandaria, subdivision Pirojpur, district Bakarganj, have entered an emphatic protest against the establishment of Union Boards there;

(*ii*) whether it is a fact that there were 685 signatories to the petition protesting against the establishment of Union Boards there; and

(*iii*) what has been decided by the Government regarding the establishment of Union Boards in those villages?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*i*) to (*iii*) The petition referred to does not appear to have been received, but other petitions to the same effect have been received from the Bakarganj district. A reference is invited to the reply given on 17th August, 1923, to starred question No. XLVIII put by Rai Nibaran Chandra Das Gupta Bahadur.

Works of improvement by Pabna district board.

191. SHAH SYED EMDADUL HAQ: Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state—

(*i*) how many new tanks have been excavated and old tanks re-excavated by the district board of Pabna since 1910, stating the names of the villages and thanas where, and the dates when, and the cost at which, they have been so excavated or re-excavated;

(*ii*) how many miles of new roads, metalled and unmetalled, have been constructed out of the district board fund since 1880;

(*iii*) how many miles of pre-existing roads were taken charge of by the Pabna district board under the Cess Act in 1880;

(*iv*) how many miles of such roads are under the charge of the said district board at present; and

(*v*) what is the annual charge for the repairs and maintenance of such roads at present?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*i*) to (*iii*) The utility of the information desired is in the opinion of Government not commensurate with the time and labour, which its compilation must involve.

(*iv*) A copy of the schedule of public works subject to the control of, or vested in, the district board of Pabna, which furnishes some of the information asked for, is laid on the Library table.

(c) Detailed information in respect of each road is not available but the member is referred to Column 97 of Form III appended to the District Board Resolution for 1921-22.

Preachers and places of prayers for Moslem convicts.

192. Maulvi EKRAMUL HUQ: (*a*) Will the Hon'ble the Member in charge of the Department of Revenue (Jails) be pleased to state whether paid preachers have been appointed for provincial jails in Bengal where honorary preachers are not available?

(*b*) Will the Hon'ble the Member be pleased to state whether any shady place is set apart in jails in Bengal to allow the Muhammadan convicts to say their prayers in congregation?

The Hon'ble Mr. H. L. STEPHENSON: (*a*) The answer is in the negative.

(*b*) Under the rules the Superintendent makes the necessary arrangements regarding the place where prayers should be held. Such places are usually sheltered.

Scale of pay for Government Presses other than Jail Press.

193. Babu HEM CHANDRA BHATTACHARJI: Will the Hon'ble the Member in charge of the Department of Finance be pleased to state what scale of pay has been sanctioned to the clerical staff of Government Presses other than the Jail Press in consideration of the abnormal increase in the price of food-stuffs and other commodities and whether there was any condition in sanctioning the same?

The Hon'ble Mr. J. DONALD: (*i*) The following are the scales of pay sanctioned in 1920 for the clerical establishment of the Bengal Government Press and its Branch Press at Darjeeling in consideration of the economic conditions:—

Bengal Government Press.

Scale—

1 Head clerk—Rs. 250—10—300.
26 Clerks—Rs. 100—10—200, 44—3—110 and 30—2½—80.
2 Apprentices—Rs. 25.

Darjeeling Branch Press.

Scale—

1 Clerk—Rs. 50—3—125.

(*ii*) No conditions were laid down in sanctioning the increased rates of pay.

Salary of Carmichael Professor of Ancient Indian History and Culture.

194. Babu HEM CHANDRA BHATTACHARJI: (*a*) Will the Hon'ble the Minister in charge of the Department of Education be pleased to state from what fund the salary of the Carmichael Professor of Ancient Indian History and Culture is paid?

(*b*) Is it a fact that he is paid from the sale-proceeds of the Sanksrit texts of the Matriculation and the I.A. Examinations?

(*c*) Is it a fact that the sale-proceeds mentioned in (*b*) are inadequate to meet his salary?

(*d*) If so, how is the rest of his salary met, and from what fund?

The Hon'ble Mr. P. C. MITTER: (*a*) and (*b*) The salary of the Carmichael Professor of Ancient Indian History and Culture in the Calcutta University is paid from the surplus sale-proceeds of the Sanskrit Matriculation and Intermediate Courses and the Sanskrit Grammar published by the University.

(*c*) No.

(*d*) Does not arise.

Hunger strike in Hooghly Jail.

195. Khan Bahadur Maulvi HAFIZAR RAHMAN CHAUDHURI: (*a*) Will the Hon'ble the Member in charge of the Department of Revenue (Jails) be pleased to state—

(*i*) whether the hunger strike amongst the political prisoners in the Hooghly Jail has ceased;

(*ii*) whether it is a fact that Srijut Ram Sundar Singh of Garbetta, a political prisoner, has been on hunger strike since 3rd July last;

(*iii*) whether it is a fact that Ram Sundar Babu went on hunger strike in order to protest against the treatment accorded to Srijut Satindra Nath Sen, another political prisoner from Barisal;

(*iv*) whether it is a fact that Srijut Satindra Nath Sen was harshly treated in the jail and was put in the cell for two months and that as a protest for this; on coming out of the cells he went

on hunger strike, whereupon he was further punished with standing handcuffs for 7 days;

(v) whether it is a fact that on the tenth day of the strike Ram Sundar Babu fainted away and that he is since being forcibly fed;

(vi) whether it is a fact that Ram Sundar Babu is looking pale and has lost 13 lbs in weight and that his condition is at present serious;

(vii) whether it is a fact that Satin Babu is also being forcibly fed after the twelfth day of the strike?

(b) If so, will the Hon'ble the Member be pleased to state what steps have been taken by the Government to remedy this state of affairs in the Hooghly Jail?

The Hon'ble Mr. H. L. STEPHENSON: (a) (i) Yes.

(ii) He was, but has now ceased to be, on hunger strike.

(iii) This was the reason given by the prisoner.

(iv) Satindra Nath Sen was not harshly treated; he was punished with cells for insubordination. Standing handcuffs for 7 days were also ordered for insubordination but as the prisoner went on hunger strike after the imposition of the punishment for 2 hours the handcuffs were removed.

(v) The answer is in the negative.

(vi) He lost 13 lbs. in weight. His condition is not and has never been serious.

(vii) Yes, he was; but as a matter of fact no force was used. The prisoner was satisfied so long as the instrument which is used for forcible feeding was applied to him.

(b) In order to restore discipline some of the prisoners have been transferred to other jails.

Alleged desirability of bridge on railway line between Adamdighi and Nasharatpur.

196. Khan Bahadur Maulvi HAFIZAR RAHMAN CHAUDHURI: (a) Will the Hon'ble the Minister in charge of the Department of Public Works be pleased to state whether it is a fact that the District Magistrate of Bogra in his letter No. 725-I., dated the 25th April, 1921, forwarded to the Agent, Eastern Bengal Railway, a petition of Umiruddin Joardar and others of Shihari and neighbouring villages of Adamdighi for a bridge on the railway line between Adamdighi and Nasharatpur?

(*b*) Is it a fact that the Agent in his letter dated the 28th October, 1921, stated that "our investigation does not show that a bridge is necessary"?

(*c*) Is it a fact that the absence of culverts on a stretch of three miles between Santahar and Nasharatpur and consequent obstruction of the free passage of water was mainly responsible for the havoc caused by the flood?

(*d*) Is it a fact that near Adamdighi on the Santahar-Bogra line, where the worst breaches occurred, no waterways existed for a distance of three miles?

Mr. C. C. DEY: (*a*) and (*b*) Yes.

(*c*) No. The damage caused by the flood was due to waterways being insufficient to pass abnormal floods, the like of which had never been experienced since the construction of the Santahar-Bogra Railway.

(*d*) The greatest distance between any two existing bridges was 2·8 miles.

New posts created in the Police Department.

197. Khan Bahadur Maulvi HAFIZAR RAHMAN CHAUDHURI: Will the Hon'ble the Member in charge of the Police Department be pleased to lay on the table a statement showing since 1912 up to the present date—

(*i*) the number of posts created in the Police Department;

(*ii*) the names of the candidates appointed;

(*iii*) the date of their appointment; and

(*iv*) the amount spent, year by year, on these new posts?

The Hon'ble Mr. H. L. STEPHENSON: (*i*) The figures on record are for 1922. A statement is laid on the table.

(*ii*) (*iii*) Most of the posts are in the rank of constables. It is not possible to say what men filled the particular additional appointments.

(*iv*) No separate record is kept of this. The total extra expenditure per annum on account of these posts, calculation being made at present day rates of pay, is now about Rs. 26,00,000.

Statement referred to in the reply to unstarred question No. 197 (i) showing the increase in the police force since 1912.

	Gazetted officers.	Subordinate officers and men.
Calcutta Police	11 (*a*)	925 (*a*)
Bengal Police	27 (*b*)	5,470 (*b*)

NOTE.—(*a*) Of these, the posts of one gazetted officer and ten subordinate officers and men are temporary.

(*b*) Of these, the posts of 9 gazetted officers and 845 subordinate officers and men are temporary.

Establishment of a dispensary at Narayanpur.

198. Rai HARENDRANATH CHAUDHURI: (*a*) With reference to the answer given to my unstarred question No. 74 at the meeting of the 24th January, 1923, as well as to the answer given to my unstarred question No. 135 asked at the meeting of the 1st December, 1921, will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to lay on the table a copy of the programme prepared by the District Health Officer "of the dispensaries to be opened" in the district of 24-Parganas "in order of their urgency" together with a copy of the resolution, if any, arrived at by the District Board on consideration of the said programme?

(*b*) If the District Health Officer's programme has not yet been submitted to the District Board, what are the reasons for withholding it?

(*c*) In view of the Sanitary Committee's proposal to establish a dispensary at Narayanpur accepted by the District Board of 24-Parganas at its meeting held on the 15th July, 1919, and, with reference to the District Health Officer's recommendation as disclosed in the said Government answer (i.e., answer given to my unstarred question No. 74 of the 24th January, 1923), will the Hon'ble the Minister be pleased to state what steps the District Board propose to take towards the establishment of a dispensary at Narayanpur?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*a*) Government are informed that the District Health Officer has suggested the following programme for the establishment of dispensaries—

(1) Bhangore.
(2) Mathurapur.
(3) Sandeshkhali.
(4) Saugore.
(5) Amdanga.
(6) Falta.

No decision has yet been arrived at by the District Board in regard to the programme. As there was delay in forming the present board, it has not yet been able to take up the question. The programme has, however, been referred by the board to the Vice-Chairman for examination and revision.

(*b*) The question does not arise.

(*c*) Government are informed that in the programme for the establishment of dispensaries prepared since 1919, the District Health Officer has not suggested any dispensary at Narayanpur. What he has suggested for this place, along with other places, is a subsidised dispensary. As, however, there are other dispensaries not very far off from Narayanpur the District Board did not consider the needs of a dispensary at

this place to be very urgent. They have subsidised one dispensary at Moshat and other at Moheshtala.

Admission of students into Medical Colleges of Bengal.

199. Mr. AJOY CHUNDER DUTT: (*a*) Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state—

(*i*) whether it is a fact that the admission into the Medical Colleges in Bengal has been reduced this year and, if so, what is the reason of this; and

whether it is a fact that a certain number of seats have been reserved for the Government of Bihar; if so, how many?

(*b*) Will the Hon'ble the Minister be pleased to state whether the Bihar Government contribute anything towards the upkeep of the Calcutta Medical College and Hospitals and, if so, to what amount?

(*c*) If the Bihar Government do not make any contributions to the Calcutta Medical College and Hospitals, is there any reason why provision should be made for students sent by that Government?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*a*) (*i*) The annual admission to the Calcutta Medical College is ordinarily fixed at 120 but during the last few years a larger number of students were admitted: 1918—167; 1919—174; 1920—182; 1921—191; 1922—190. In the absence of sufficient materials for clinical teaching in Midwifery and Gynæcology in conformity with the regulations laid down by the General Medical Council of Great Britain, it has been decided to restrict the admissions to 120 as provided in the rules till the completion of the Extern Maternity Department of the Eden Hospital.

(*ii*) Twelve seats are reserved for students from Bihar and Orissa. The Bihar Government also nominates six scholars every year.

(*b*) The Government of Bihar and Orissa pay a contribution towards the upkeep of the Medical College which is proportionate to the number of students from that Province studying at the College.

(*c*) The question does not arise.

Confinement of constables under suspension.

200. Rai Dr. HARIDHAN DUTT Bahadur: (*a*) Will the Hon'ble the Member in charge of the Police Department be pleased to state

whether a constable in Calcutta when suspended is usually kept in the lock-up at Lal Bazar?

(*b*) Will the Hon'ble the Member be pleased to lay on the table a copy of the rule or circular authorizing this?

(*c*) Will the Hon'ble the Member be pleased to state who pays the dieting expenses of such constables?

(*d*) Will the Hon'ble the Member be pleased to state whether it is a fact that even after such constable has been sent up to court on a specific charge and after he has been ordered to be released on bail by a competent court he is still kept in confinement in the lock-up and produced therefrom in custody in court?

(*e*) Are the Government aware that the accused policeman is considerably prejudiced in his defence?

The Hon'ble Mr. H. L. STEPHENSON: (*a*) No. Constables when suspended are confined to quarters, viz., barracks at Lal Bazar and are not allowed to leave the Lal Bazar compound without permission.

(*b*) Does not arise.

(*c*) The constable.

(*d*) No.

(*e*) Does not arise.

Vacancies in the Bengal Judicial Service and the probationary scheme.

201. Rai JOGENDRA CHUNDER GHOSE Bahadur: Will the Hon'ble the Member in charge of the Judicial Department be pleased to state—

(*i*) whether the six vacancies in the existing cadre of the Bengal Civil Service (Judicial) will soon be filled up; and

(*ii*) when the probationary scheme in the Judicial service is likely to be introduced?

The Hon'ble Sir ABD-UR-RAHIM: (*i*) Yes.

(*ii*) The matter is still under consideration and has been kept in abeyance pending decision on the report of the Retrenchment Committee.

Muhammadans in the office of the Dacca Nawab Court of Wards Estate.

202. SHAH SYED EMDADUL HAQ: (*a*) Will the Hon'ble the Member in charge of the Department of Revenue (Land Revenue) be pleased to lay on the table a statement showing—

(*i*) the total number of officers of the Dacca Nawab Court of Wards Estate as a whole;

(*ii*) the number of Muhammadan and Hindu officers amongst them and

(*iii*) the number of Muhammadan and Hindu officers getting salary between Rs. 5 to Rs. 15 and Rs. 15 to Rs. 100?

(*b*) Is it a fact that the application of the qualified Muhammadans seldom reach the Manager of the Estate or the Chief Officer?

(*c*) Is it a fact that Rai Sahib Har Kishore Biswas is forming a new scheme and that according to the new scheme the posts for the Muhammadans will be decreased?

(*d*) Are the Government considering the desirability of taking any steps for the redress of this grievance?

The Hon'ble the MAHARAJADHIRAJA BAHADUR of BURDWAN: (*a*) The particulars asked for with the exception of the Tippera portion of the estate for which information is not yet available are given below:—

(*i*) One thousand six hundred and twenty-two.

(*ii*) Hindus 632; Muhammadans 987.

(*iii*) Information is being collected and will be furnished to the member later.

(*b*) There is no reason to believe that an application addressed to the Chief Manager does not ordinarily reach him.

(*c*) A scheme is being prepared for the reorganisation of the estate staff. It is probable that some reduction of the staff will be the result, but in reduction no discrimination will be made between Hindu and Muhammadan employees.

(*d*) The question does not arise.

Honorary Magistrateship, Chandpur.

203. SHAH SYED EMDADUL HAQ: (*a*) Will the Hon'ble the Member in charge of the Judicial Department be pleased to state—

(*i*) whether it is a fact that since the retirement of Babu Radha Madhab Sinha, the Bench of the Honorary Magistrates at Chandpur has ceased to work for about a year; if so, why; and

(*ii*) whether it is a fact that nobody has offered himself as a candidate for Honorary Magistrateship at the Chandpur subdivision?

(*b*) Is the Hon'ble the Member aware that there are many qualified and fit Muhammadans in the Chandpur subdivision who are willing to be Honorary Magistrates?

(*c*) Are the Government considering the desirability of appointing a Muhammadan as an Honorary Magistrate in the Chandpur subdivision?

The Hon'ble Sir ABD-UR-RAHIM: (*a*) (*i*) Yes; as there was only one Magistrate left and he had not single sitting powers. His period of office too has now expired.

(*ii*) Yes.

(*b*) and (*c*) Inquiries will be made as to the need for retaining a Bench here.

Muktearship examination.

204. SHAH SYED EMDADUL HAQ: (*a*) Will the Hon'ble the Member in charge of the Judicial Department be pleased to state whether it is a fact that the Muktearship examination is not going to be held in the year 1923?

(*b*) If the answer to (*a*) above is in the affirmative, will the Hon'ble the Member be pleased to state why five thousand rupees were provided in the current year's budget to meet the charges of the examination?

(*c*) Will the Hon'ble the Member be pleased to state—

(*i*) who is the Secretary of the Board for conducting the Muktearship examination;

(*ii*) how much he is drawing as his monthly salary;

(*iii*) whether his services are required for any other purposes; and

(*iv*) if so, what are these purposes?

(*d*) Is it a fact that the present Secretary of the Board is a Director or Governor of the *Indian Daily News* newspaper?

(*e*) Is it a fact that in Allahabad the Muktearship examination is conducted by the Registrar of the High Court?

(*f*) Are the Government considering the desirability of requesting the Registrar of the Calcutta High Court to take charge of the Muktearship examination provided that the examination is continued?

The Hon'ble Sir ABD-UR-RAHIM: (*a*) The Muktearship examination was held on 11th and 12th April, 1923.

(*b*) The question does not arise.

(*c*) (*i*), (*ii*), (*iii*) and (*iv*) Mr. Bijan Kumar Mukerjee, M.A., M.L., has been appointed Secretary for one year on a pay of Rs. 100 a month. He has no other official duties save what is provided in Notification No. 4445 J., dated the 1st August, 1923, published in the *Calcutta Gazette* of the 8th August, 1923.

(*d*) No.

(*e*) The information is not available here and could not be obtained from Allahabad for want of time.

(*f*) No.

Pay and prospects of Assistant Jailors.

205. Maulvi EKRAMUL HUQ: (*a*) Will the Hon'ble the Member in charge of the Department of Revenue (Jails) be pleased to state—

(*i*) the number of jailors and assistant jailors in Bengal;

(*ii*) the number of Muhammadans; and

(*iii*) whether the Muhammadans are few in number; if so, what steps have been taken for their recruitment?

(*b*) Will the Hon'ble the Member be pleased to state when the recommendations of the Jail Service Commission regarding the pay of the assistant jailors will be given effect to?

(*c*) Is it a fact that the assistant jailors are dissatisfied with their pay and prospects?

(*d*) Are the Government considering the desirability of giving effect to the recommendations of the Jail Service Commission regarding the pay and prospects of assistant jailors?

The Hon'ble Mr. H. L. STEPHENSON: (*a*) (*i*) One hundred and four.

(*ii*) Twenty-three.

(*iii*) Their numbers are given above. Every alternate vacancy is now being filled up by a Muhammadan.

(*b*) and (*d*) The member is referred to the answer given to the unstarred question No. 58 asked by Dr. A. Suhrawardy at the July session of the Council.

(*c*) It is no doubt a fact that they would like improvements.

Gudighota Khal at Fuljhuri (Bakarganj).

206. Maulvi FAZLAL KARIM: (*a*) Will the Hon'ble the Member in charge of the Department of Irrigation be pleased to state—

(*i*) whether it is a fact that the tenants of Fuljhuri, police-station Barguna, district Bakarganj, under the Court of Wards

estate of the Nawab of Dacca, are suffering much owing to the Gudighota khal being open during the season of cultivation;

(*ii*) whether it is a fact that the lands on both sides of the khal do not yield good crops if the khal remains open; and

(*iii*) whether it is a fact that these tenants applied to the District Magistrate for bunds on the banks of the khal?

(*b*) If so, will the Hon'ble the Member be pleased to state what action, if any, has been taken on the petition?

(*c*) Are the Government considering the desirability of constructing bunds on the banks of the khal at the expense of the estate or from money raised by subscriptions from the tenants who are ready to subscribe if the estate supervise the construction of the bunds?

The Hon'ble the MAHARAJADHIRAJA BAHADUR of BURDWAN: (*a*) (*i*), (*ii*), (*iii*), (*b*) and (*c*) The information is being collected and will be furnished to the member later.

Travelling allowances of Sub-Deputy Collectors and Circle Inspectors of Co-operative Societies.

207. Maulvi FAZLAL KARIM: (*a*) Will the Hon'ble the Member in charge of the Department of Finance be pleased to state—

(*i*) whether the amendment of the travelling allowance rules will affect the status of Sub-Deputy Collectors and Circle Inspectors of Co-operative Societies drawing less than Rs. 200 as salary; and

(*ii*) whether it is a fact that the initial pay of those inspectors was fixed at Rs. 105 only to make them 2nd class officers?

(*b*) Will the Hon'ble the Member be pleased to state whether their status as 2nd class officers will still be maintained although they are getting less than Rs. 200 as salary?

The Hon'ble Mr. J. DONALD: (*a*) (*i*) The matter is still under the consideration of Government.

(*ii*) Yes.

(*b*) The matter is still under consideration.

Waiting accommodation for passengers at Kusthia.

208. Maulvi HAMID-UD-DIN KHAN: (*a*) Will the Hon'ble the Minister in charge of the Department of Public Works be pleased to state—

(*i*) whether it is a fact that the Kusthia (Kushtia) station on the Eastern Bengal Railway is the meeting place of many trains, but there is only one platform.

(*ii*) whether it is a fact that the shed erected on the platform is insufficient even to accommodate one train at a time;

(*iii*) whether it is a fact that four very important trains meet at Kusthia at night and that the arrangement of light at this station is quite insufficient; and

(*iv*) whether it is a fact that passengers including ladies have to wait at this station at night for a long time exposed to the open air in expectation of trains?

(*b*) Is the Hon'ble the Minister considering the desirability of drawing the attention of the Railway authorities to these grievances for their removal?

Mr. C. C. DEY: (*a*) (*i*) Kushtia station is not a junction but a way-side station. At the station there is a high level platform and a ground level platform connected by an overbridge. The only passenger trains booked to cross at Kushtia are 25 Up and 82 Down which arrive and leave during the day time, the former arriving and leaving at 9-8 and 9-11 hours, respectively, and the later at 9-6 and 9-14 hours, respectively.

(*ii*) On the high platform, which is the principal platform at the station, there is a shed 156 feet long which extends the width of the platform. This shed is considered quite sufficient.

(*iii*) No passenger trains are booked to cross at Kushtia at night.

(*iv*) The waiting accommodation at the station is ample and consists of—

1st and 2nd class gentlemen's waiting room.

1st and 2nd class ladies' waiting room.

3rd and inter class ladies' waiting room, 15 feet by 12 feet.

3rd class passenger shed, 40 feet by 33 feet (adjoining inter and 3rd class ladies' waiting room).

(*b*) The question does not arise.

Footpath on Hardinge Bridge at Paksey.

209. Maulvi HAMID-UD-DIN KHAN: (*a*) Will the Hon'ble the Minister in charge of the Department of Public Works be pleased to state—

(*i*) whether it is a fact that none but persons going to and coming from the Paksey bazar are allowed to pass by the footpath on the Hardinge Bridge; and

(*ii*) whether it is a fact that other pedestrians except those mentioned in (*i*) above are not allowed to pass by the footpath of Hardinge Bridge and have to cross the river by ferry?

(*b*) Will the Hon'ble the Minister be pleased to state what is the reason for this differential treatment?

(*c*) Are the Government considering the desirability of removing this differentiation?

Mr. C. C. DEY: (*a*) (*i*) Yes.

(*ii*) Yes.

(*b*) The Railway Board, for reasons best known to them, have closed the footpath to the public.

(*c*) The attention of the Railway authorities will be drawn to the subject-matter of this question.

Specialist Engineer for the construction of Kidderpore Bridge.

210. Mr. J. CAMPBELL FORRESTER: (*a*) Will the Hon'ble the Member in charge of the Department of Irrigation be pleased to state whether it is a fact that the original estimate for the construction of the Kidderpore Bridge was between Rs. 8 to Rs. 9 lakhs?

(*b*) Is it a fact that up to now the cost is about Rs. 13 lakhs?

(*c*) Is it a fact that an honorarium of Rs. 36,000 was given to Mr. Remfrey, Consulting Engineer?

(*d*) Are the Government aware that Consulting Engineers on similar work ordinarily charge a fee of 1·5 per cent. on steel-work only?

(*e*) What were the reasons or the necessity for engaging this specialist?

The Hon'ble the MAHARAJADHIRAJA BAHADUR of BURDWAN: (*a*) Yes.

(*b*) No. The revised estimate as submitted to Government stands at Rs. 11,90,253 for works only.

(*c*) No. The amount paid up to date stands at Rs. 26,662.

(*d*) The usual fee in such cases recognized by the Institution of Civil Engineers at home is 5 per cent.

(*e*) Paucity of officers and also efficient and expert supervision of the work.

Mr. J. CAMPBELL FORRESTER: With reference to the answer to my question No. 210(*c*), is Rs. 26,662 the final fee which is to be given to the Consulting Engineer?

The Hon'ble the MAHARAJADHIRAJA BAHADUR of BURDWAN: Yes, that is the final figure.

Employees of the Press and Forms Department.

211. Rai MAHENDRA CHANDRA MITRA Bahadur: (*a*) Will the Hon'ble the Member in charge of the Department of Revenue (Jails) be pleased to state whether it is a fact that in the year 1914 Government made a condition in the service of the employees of the Press and Forms Department, Bengal?

(*b*) Is it a fact that in accordance with the condition old incumbents whose hours of attendance were from 10 A.M. to 5 P.M. received 33 per cent. allowance over and above the pay they were then getting for attending Jail hours and enjoyed all the gazetted holidays and also leave on Saturdays at 2 P.M.?

(*c*) Is it a fact that the men appointed after 1914 get only the Jail holidays and attend Jail hours on the same rate of pay as before?

(*d*) Is it a fact that the privilege offered to Press employees as stated above has been withdrawn with the revision of their establishment in December last?

(*e*) Is it a fact that the Press employees have been attending Jail hours with no gazetted holidays, with the exception of those given to the prisoners (which are limited to nine days in a year) without any allowance for working extra hours?

(*f*) Are the Government considering the desirability of granting the employees of the Press and Forms Department, Bengal, the same remuneration as they were to receive in 1914 for attending Jail hours and loss of gazetted holidays?

(*g*) Will the Hon'ble the Member be pleased to state whether the men employed in the Press and Forms Department are classed as Jail employees or Press employees?

(*h*) Are the privileges given to the employees of the other Government Presses also given to the employees of the Press and Forms Department, Bengal, and are they given the privileges similar to those given to the Jail employees and do they enjoy the same privileges as are given to the employees of other Government Presses or are they even allowed the same privileges as are given to the employees of the Jail Press?

(*i*) Is the Hon'ble the Member aware that grave discontent prevails amongst the employees of the Press and Forms Department, Bengal, owing to the withdrawal of leave privileges and practical loss of income in these days of high cost of living?

(*j*) Are the Government considering the desirability of removing the grievances of the employees of the Press and Forms Department, Bengal, and thereby securing their contentment?

The Hon'ble Mr. H. L. STEPHENSON: (*a*) and (*b*) Yes.

(*c*) Yes, up till December last, when the pay of the whole staff was revised.

(*d*) Yes. The revision of pay sanctioned in December, 1922, was subject to the condition that all employees should work according to jail hours and enjoy jail holidays only. The men drawing Rs. 70 and below were allowed an increase of 10 per cent. and men drawing above Rs. 70 an increase of 5 per cent. on their actual earning including war allowance. The men serving under the old conditions thus automatically got the benefit of the 33 per cent. allowed to them on their old pay.

(*e*) Yes, as a result of revision. The question of an extra allowance does not arise but in view of the curtailment of the number of holidays they are now entitled to 15 days' casual leave instead of 10 days.

(*f*) The member is referred to the answer to clause (*d*) above.

(*g*) Jail employees.

(*h*) No, the conditions of employment are peculiar to this form of Jail Industry and the question of privileges given elsewhere does not arise.

(*i*) and (*j*) Representations have from time to time been received. Some modification has been made in their working hours with which it is understood the employees are contented.

Report of the inquiry of the pollution of the Hooghly river.

212. Rai MAHENDRA CHANDRA MITRA Bahadur: Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state—

(*i*) when the report of the inquiry on the pollution of the Hooghly River will be published;

(*ii*) what salary and travelling allowances were actually drawn by the officer who conducted the inquiry;

(*iii*) what was the actual work performed by him in that connection;

(*iv*) whether it is a fact that the said officer had nothing to do with the analytical work; and

(*v*) whether the investigating officer has completed the writing of his report on the result of his inquiry?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*i*) The Director of Public Health is examining the report and it will be published shortly. Part of the Report is in type.

(*ii*) A statement showing the particulars asked for is laid on the Library table.

(*iii*) More than one officer was engaged on the special work. For example, a special officer and staff were engaged in making a detailed survey of all sources of pollution entering the river, preparing maps

showing the situation of these sources of pollution, etc., and another officer and staff were employed in making analyses of the river water and the various effluents entering the river. The two classes of work were quite distinct. In addition to this, the Director of Public Health has had to spend a considerable time in collecting other material, legal and otherwise, not made available by the two special engineers and in examining the whole literature of river pollution, which is very extensive.

(*iv*) The answer is in the affirmative.

(*v*) Yes.

Improvements of sanitation and communication of Jalpaiguri.

213. Mr. PRASANNA DEB RAIKAT: Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state what steps up till now have been taken by Government in the direction of sanitary improvements and in giving better facilities for communication to the people of the villages situated on the right and left banks of the river Teesta in the district of Jalpaiguri, and in this connection will the Minister in charge be pleased to lay on the table the comparative statement of the figures showing the following facts:—

(*i*) the number of existing pucca and kutcha roads in the said locality and the length of the same;

(*ii*) the number of pucca wells in the said locality;

(*iii*) the number of rest houses in the said area; and

(*iv*) the amount of money spent for each of the above items. First in the area on the left bank of the river Teesta (Duars and Government Khas Mahal), and secondly, in the area on the right bank of the river Teesta (Baikunthapur, Cooch Behar, Boda, Chaklajat and Kakina?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*i*) to (*iii*) It is assumed that areas lying east and west, respectively, of the Teesta are referred to. A statement is added which gives the necessary information.

(*iv*) No period is stated for which information is required and the collection of information for even a short period back would involve very considerable labour.

Statement referred to in the reply to unstarred question No. 213 (i), (ii) and (iii).

(*i*) The number of existing pucca and kutcha roads in the said locality and the length of the same—

EAST OF TEESTA.

	Number.	Metalled roads.	Unmetalled roads.
(*a*) Public Works Department ...	19	119·7 miles	40·19 miles
(*b*) District Boards	48	54 ,,	364·8 ,,
(*c*) Khas Mahal	51	1·07 ,,	155·50 ,,

WEST OF TEESTA

(*a*) Public Works Department ...	Nil.		
(*b*) District Board	29	27·5 miles	298·5 miles
(*c*) Khas Mahal	Nil.		

(*ii*) The number of pucca wells in the said locality—

EAST OF TEESTA.

(*a*) Public Works Department ...	Nil.
(*b*) District Board ...	225
(*c*) Khas Mahal ...	643

WEST OF TEESTA.

(*a*) Public Works Department ...	Nil.
(*b*) District Board ...	153 (Baikunthapur). 148 (Chaklajat).
(*c*) Khas Mahal ...	Nil.

(*iii*) The number of rest houses in the said area—

EAST OF TEESTA.

(*a*) Public Works Department ...	10
(*b*) District Board ...	15
(*c*) Khas Mahal ...	15

WEST OF TEESTA.

(*a*) Public Works Department ...	Nil.
(*b*) District Board	11
(*c*) Khas Mahal	Nil.

Outbreak of cholera in the flood-affected area in North Bengal.

214. Babu SURENDRA NATH RAY: (*a*) Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state whether there was an outbreak of cholera all over the flood-affected area in North Bengal during April and May?

(*b*) If so, what steps have been taken by Government to put a stop to the same?

(*c*) Did the Government send any medical officers to that area during April and May to treat the cholera cases?

(*d*) If so, how many, and how many days were they stationed in that locality for treating the patients, and how many patients did they treat?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*a*) As usually happens every year, there was an outbreak of cholera in the districts of Dinajpur, Rajshahi, Bogra and Pabna. The disease appears on the whole to have been most severe just outside the areas that were worst affected by the last year floods.

(*b*) The prevention of disease in a local area is primarily the function of the local authorities. The Assistant Director of Public Health, Rajshahi Circle, however, visited the affected area, and medical officers were sent to assist the district boards. Leaflets and posters were provided for educational purposes. Bleaching powder, chlorogen and anti-cholera vaccine were also supplied.

(*c*) and (*d*) Seven officers, viz., 4 to Rajshahi, 1 to Dinajpur and 2 to Pabna were sent in addition to the Assistant Director of Public Health who visited the area personally. It is not known how many cases of cholera were treated by these officers. The prevention of cholera depends far more upon the disinfection of excreta and soiled clothes, the sterilization of water supplies and in inoculation by anti-cholera vaccine, than upon the treatment of individual cases of cholera. Of the four Sub-Assistant Surgeons sent to Rajshahi on the 19th April, one was relieved on the 17th May, two on the 25th of May, and one on the 29th of May. In the case of Dinajpur one Sub-Assistant Surgeon (recruited outside) on the 28th April, worked until June 5th. The two Sub-Assistant Surgeons who went to Pabna worked there from April 1st to 29th. They worked under the immediate direction of the district boards under whom they were placed and their duties were primarily to check the further spread of the disease rather than to treat merely cases of cholera.

Attendance of non-official members of Bengal Legislative Council.

215. Babu NALINI NATH ROY: Will the Hon'ble the Member in charge of the Appointment (Legislative) Department be pleased to lay on the table a statement showing—

(*i*) the number of days on which the Bengal Legislative Council sat from January, 1922, to 31st March, 1923; and

(*ii*) the attendance of each of the non-official non-Muhammadan elected members during the said period?

The Hon'ble Sir ABD-UR-RAHIM: (*i*) Ninety-six days.

(*ii*) A statement is laid on the table.

Statement referred to in the reply to unstarred question No. 215 (ii) showing the attendance of non-official non-Muhammadan elected members of the Bengal Legislative Council from January, 1922, to 31st March, 1923.

		Total number of days attended
1.	Addy, Babu Amulya Dhone ...	71
2.	Banerjea, Dr. Pramathanath ...	26 (elected 31-1-1923).
3.	Banerjee, Rai Bahadur Abinash Chandra ...	54
4.	Barma, Rai Sahib Panchanan ...	57
5.	Barton, Mr. H. ...	46
6.	Basu, Babu Jatindra Nath ...	87
7.	Bell, Mr. J. W. A. ...	2 (elected 22-3-1923).
8.	Bose, Mr. S. M. ...	96
9.	Carey, Mr. W. L. ...	35
10.	Chaudhuri, Babu Kishori Mohan .	90
11.	Chaudhuri, Babu Tanka Nath ...	45
12.	Chaudhuri, Rai Harendranath ...	80
13.	Chaudhuri, Sir Asutosh, Kt. .	38
14.	Cohen, Mr. D. J. ...	89
15.	Cooper, Mr. Charles G. . .	4 (elected 22-3-1923).
16.	Crawford, Mr. T. C. ...	63 (elected 8-3-1922).
17.	Das, Mr. S. R. ...	64
18.	Das Gupta, Rai Bahadur Nibaran Chandra ...	80
19.	De, Rai Bahadur Fanindra Lal ...	81
20.	DeLisle, Mr. J. A. ...	55
21.	Doss, Rai Bahadur Pyari Lal, M.B.E. ...	54

		Total number of days attended.	
22.	Dutt, Rai Bahadur Dr. Haridhan	... 87	
23.	Dutta, Babu Annada Charan	... 45	
24.	Dutta, Babu Indu Bhushan	... 73	
25.	Forrester, Mr. J. Campbell	... 91	
26.	Ghatak, Rai Bahadur Nilmani	... 13	
27.	Ghose, Mr. D. C.	... 87	
28.	Ghose, Rai Bahadur Jogendra Chunder	... 92	
29.	Janah, Babu Sarat Chandra	... 22	
30.	Jones, Mr. J. A., C.I.E.	... 9	(elected on 26-2-1923).
31.	Khan, Babu Debendra Lal	... 34	
32.	Law, Raja Reshee Case, C.I.E.	... 68	
33.	Leslie, Mr. L.	... 14	(elected on 7-2-1923).
34	Mallik, Babu Surendra Nath	... 80	
35.	Mitra, Rai Bahadur Mahendra Chandra	... 65	
36.	Moitra, Dr. Jatindra Nath	... 83	
37.	Morgan, Mr. G.	... 28	
38.	Mukharji, Babu Satish Chandra	... 47	
39.	Mukherjee, Babu Nitya Dhone	... 82	
40.	Mukhopadhaya, Babu Sarat Chandra	... 81	
41.	Mullick, Babu Nirode Behary	... 89	
42.	Nasker, Babu Hem Chandra	... 90	
43.	Philip, Mr. J. Y.	... 20	(elected on 23-2-1923).
44.	Poddar, Babu Keshoram	... 18	
45.	Raikat, Mr. Prasanna Deb	... 16	
46.	Ray, Babu Bhabendra Chandra	... 3	
47.	Ray, Babu Surendra Nath	... 91	
48.	Ray, Kumar Shib Shekhareswar	... 96	
49.	Ray, Rai Bahadur Upendra Lal	... 75	
50.	Ray Chaudhuri, Babu Brojendra Kishor	... 19	
51.	Ray Chaudhuri, Raja Manmatha Nath	... 54	
52.	Rishi, Babu Rasik Chandra	... 63	
53.	Rose, Mr. G. F.	... 9	(elected on 7-3-1923).
54.	Roy, Babu Jogendra Krishna	... 68	
55.	Roy, Babu Jogendra Nath	... 81	
56.	Roy, Babu Nalini Nath	... 78	
57.	Roy, Maharaja Bahadur Kshaunish Chandra	... 82	
58.	Roy, Mr. Bijoyprosad Singh	... 96	
59.	Roy, Mr. Tarit Bhusan	... 48	

		Total number of days attended.	
60.	Roy, Rai Bahadur Lalit Mohan Singh	... 95	
61.	Roy, Raja Maniloll Singh, C.I.E.	80	
62.	Roy Chaudhuri, Babu Sailaja Nath	... 42	
63.	Sarkar, Babu Jogesh Chandra	... 72	
64.	Sarkar, Babu Rishindra Nath	... 86	
65.	Shakespear, Mr. W. A.	... 4	(elected on 21-5-1923).
66.	Sinha, Babu Surendra Narayan	... 54	
67.	Skinner, Mr. H. E.	... 57	
68.	Stark, Mr. H. A.	... 64	
69.	Travers, Mr. W. L., O.B.E.	... 30	
70.	Villiers, Mr. F. E. E.	... 31	(elected on 6-12-1922).
71.	Willis, Mr. Arthur d'Auyers	...	(elected on 18-4-1923).

Enrolment for munsifship.

216. Mr. BIJOYPROSAD SINGH ROY: (*a*) Will the Hon'ble the Member in charge of the Judicial Department be pleased to state whether the cases of the candidates, whose names have been already enrolled, for posts of munsifs, and who have exceeded the maximum age-limit of 29 years, will be considered by the Hon'ble the High Court, under the new rules, if any?

(*b*) Will the Hon'ble the Member be pleased to state whether the names of these candidates have been struck off?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble the Member be pleased to state whether they have been informed of it? If not, why not?

The Hon'ble Sir ABD-UR-RAHIM: (*a*) New rules have not been finally settled; so no information can be given.

(*b*) and (*c*) This Government have no information. The matter is one entirely in the discretion of the High Court.

Specialist on the construction of the Kidderpore Bridge.

217. Mr. BIJOYPROSAD SINGH ROY: (*a*) Will the Hon'ble the Member in charge of the Department of Irrigation be pleased to state—

(*i*) whether it is a fact that first the work in connection with the construction of the new Kidderpore Bridge was entrusted to Mr. Addams-Williams but that later on an Anglo-Indian,

who had no European training, was engaged to carry on the work including the duties of making the plan and estimate for the new Bridge; and

(*ii*) whether it is a fact that the entire supervision was left in his hands?

(*b*) Will the Hon'ble the Member be pleased to state—

(*i*) whether the original estimate of about Rs. 6,50,000 was increased after two years to Rs. 8,00,000; and

(*ii*) whether the present estimate is about Rs. 16,00,000?

(*c*) Will the Hon'ble the Member be pleased to state the reasons of this unusual increase over the original estimate, though the price of materials has come down considerably during the last two years?

(*d*) Will the Hon'ble the Member be pleased to state whether the original arrangement was that 60 per cent. of the sanctioned expenditure would be borne by the Government and the balance 40 per cent. by the Calcutta Corporation, the Commissioners of the Port of Calcutta, and the Calcutta Improvement Trust?

(*e*) Is it a fact that these bodies have refused to pay 40 per cent. of the present estimate of Rs. 16,00,000?

The Hon'ble the MAHARAJADHIRAJA BAHADUR of BURDWAN: (*a*) (*i*) The work was undertaken by the ordinary staff of the Irrigation Department, Mr. Addams-Williams being Superintending Engineer. The second part of the question is incorrect. Mr. Remfry was engaged to supervise the steel-work. He has had special training in this work in England.

(*ii*) Only technical supervision of steel-work was left in his hands.

(*b*) (*i*) The original estimate amounted to Rs. 8,26,899 for works only. It was not revised after two years.

(*ii*) The present revised estimate as submitted to Government amounts to Rs. 11,90,253 for works only.

(*c*) The original estimate was prepared in November, 1919, when it was impossible to foresee the trend of prices and this estimate did not include all the work necessary for the approaches.

(*d*) It was decided in the last agreement, not the first, that Government would bear three-fifths of the total cost, i.e., of 60 per cent. and the Calcutta Corporation and Calcutta Improvement Trust (not the Port Commissioners) each one-fifth or a total of 40 per cent. of expenditure on works only.

(*e*) The corporate bodies have raised objections to contributing more than the amount of the original estimate on account of the enhancement of the original estimate. The matter is still under consideration.

Unhealthy condition arising out of the multiplication of embankments.

218. Raja MANILOLL SINGH ROY: (*a*) Has the attention of the Hon'ble the Minister in charge of the Department of Local Self-Government been drawn to paragraph 28, page 12, of the fifty-fourth Annual Report of the Director of Public Health for Bengal, 1921, in which a serious condemnation has been made of the "heedless multiplication of embankments" in the districts of Dacca and Mymensingh in recent years "which has already begun to show its ill-effects upon the health of the people inhabiting these places"?

(*b*) Has the Hon'ble the Minister also noticed the remarks made therein regarding the "disastrous effects" of the "heedless multiplication of embankments" upon the health of the people inhabiting the Burdwan and Presidency Divisions?

(*c*) Has the Hon'ble the Minister also noted the remarks which have been made in the said report of the ill-effect said to be disastrous as foreshadowed on the Presidency of Bengal, and the city and the port of Calcutta specially, from the heedless multiplication of the embankments in the Burdwan and Presidency Divisions?

(*d*) Will the Hon'ble the Minister be pleased to state whether he proposes—

(*i*) to ascertain which of the embankments in the districts of Hooghly and Burdwan have been heedlessly constructed and what are the causes of the unhealthy condition of the said districts;

(*ii*) to take any action to reduce the evil;

(*iii*) to ascertain which of the embankments are the worst offenders in making the districts of Hooghly and Burdwan unhealthy; and

(*iv*) to ascertain when and by whom the embankments were constructed?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*a*), (*b*) and (*c*) Yes.

(*d*) (*i*) to (*iv*) Government's policy in respect of embankments which affect the public health or magnify the effect of floods cannot be determined until the report of the North Bengal Flood Committee has been received.

Raja MANILOLL SINGH ROY: With reference to sub-clause (*i*) of clause (*d*), will the Hon'ble the Minister be pleased to inform me how the report of the Northern Bengal Flood Committee will affect the position of Government in relation to the embankments in the Hooghly and Burdwan districts?

The Hon'ble Sir SURENDRA NATH BANERJEA: Because it is expected that the report will contain general principles, and these general principles will be applicable to the general conditions of the embankments in the districts of Hooghly and Burdwan.

Raja MANILOLL SINGH ROY: Will there be any investigation by the Committee regarding the embankments in these districts?

The Hon'ble Sir SURENDRA NATH BANERJEA: It is not for me to say whether there will be any investigation, but I presume that the general principles will be arrived at after due investigation, and those principles will apply to the embankments in those districts.

Price of quinine.

219. Raja MANILOLL SINGH ROY: (*a*) Is the Hon'ble the Minister in charge of the Department of Local Self-Government aware that the high price of quinine prevents poor people suffering from malaria taking the drug in a sufficient quantity as a preventive and curative agent against malaria?

(*b*) If the answer to (*a*) be in the affirmative, will he be pleased to state what steps, if any, he proposes to take to cheapen the price of the drug?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*a*) The Minister is of opinion that the high price of quinine is undoubtedly the most important factor in limiting its use.

(*b*) The price of quinine is fixed by economic factors, which the Minister cannot control.

Government cannot sell it at less than its market value, which the supply and demand in other parts of the world help to fix. Government have granted, roughly, Rs. 50,000 to local bodies in the current year for the purchase of quinine to be distributed from their dispensaries. The Legislative Council has voted an additional grant in the present session. There has recently been some reduction in the price of quinine.

Alleged oppression on pilgrims at Tarkeswar.

220. Babu SURENDRA NARAYAN SINHA: (*a*) Will the Hon'ble the Member in charge of the Police Department be pleased to state what are the true facts regarding the rumour of alleged *zulum* practised on pilgrims at Tarkeswar?

(*b*) Are any special police arrangements made every year during *mélas* to protect pilgrims at Tarkeswar?

The Hon'ble Mr. H. L. STEPHENSON: (*a*) No complaint of oppression on pilgrims at Tarkeswar has been made to Government or to the local authorities either at the police-station or before a Magistrate.

(*b*) Yes, a guard of 2 head constables and 20 constables of the reserve force, with certain additions from other districts, is sent to Tarkeswar every year during the two principal *mêlas*, the "Shiva Ratri" and the "Chaitra Sankranti."

Employees of the Press and Forms Department.

221. Babu HEM CHANDRA BHATTACHARJI: (*a*) Will the Hon'ble the Member in charge of the Department of Revenue (Jails) be pleased to state whether it is a fact that the Press and Forms employees who had formerly to attend office from 11 A.M. to 5 P.M. were made to work in jails hours from 6 A.M. to 5 P.M. under certain conditions made in the year 1914?

(*b*) Will the Hon'ble the Member be pleased to lay on the table copies of the papers relating to those conditions?

(*c*) Are the employees still enjoying all the privileges? If not, why not?

(*d*) Is it a fact that they enjoyed all the gazetted and local holidays like the ministerial staff of the office of the Inspector-General of Prisons, Bengal? Are they enjoying the same now? If not, when and under what circumstances have they been deprived of the privileges?

(*e*) Is it a fact that the number of jail holidays has been increased from three to nine days in a year and in view of which the daily working hours of the convicts have also been increased?

(*f*) If so, will the Hon'ble the Member be pleased to state whether the employees who have been deprived of all the holidays in accepting the insufficient scale of pay have to work extra hours?

(*g*) Is it a fact that previously the Press and Forms employees had to work from 11 A.M. to 5 P.M. and only the men who had urgent work in their hands were required to work overtime for which they used to get overtime allowances? If so, why at present have all the men (clerks) to work from 6 A.M. to 5 P.M. like all other classes of men of the Press?

(*h*) Will the Hon'ble the Member be pleased to state whether this is an economical arrangement?

(*i*) Is it a fact that the clerks of the Bengal Secretariat Press and other Government Presses have not to work the same number of hours as the other classes of the employees?

The Hon'ble Mr. H. L. STEPHENSON: (*a*) Prior to 1914, the Press and Forms were separate departments each under a different controlling officer. In 1914, the two departments were amalgamated and the hours of attendance, which under the old system were from 10 A.M. to 5 P.M. with overtime allowance for the technical employees attending in the mornings, were found to be unsuitable. The labour employed was convict labour only, and it was very essential in the interest of the department and the work that all the paid hands should also attend the same hours as the convicts.

(*b*) The conditions laid down in the Government Order were—

(1) that jail working hours be introduced in the Press;

(2) that the system of granting overtime allowance be abolished;

(3) that the pay of the existing staff be increased by approximately 33 per cent. of their pay; future appointments being made at the old rate of pay;

(4) that the existing staff should continue to enjoy all gazetted holidays, half-holidays on Saturdays, 10 days' casual leave and other leave under the Civil Service Regulations; and

(5) that future incumbents should enjoy only jail holidays, 15 days' casual leave and other leave in accordance with the Civil Service Regulations.

(*c*) and (*d*) The working of the department was still unsatisfactory in so far as the work done on holidays was practically nil, because the convicts had practically no one to supervise them on those days. Accordingly, when the pay was revised in December, 1922, the revision was subject to the condition that all employees should work according to jail hours and enjoy jail holidays only, but with 15 instead of 10 days' casual leave in the year. Those who had received the advantage of an increase of pay in 1914 retained this advantage. Their hours have now been slightly modified.

(*e*) The number of jail holidays has been increased from 3 to 9, but the daily working hour has not been increased. As a result of the notification referred to above, they have now to work eight hours daily.

(*f*) Yes, over the whole year, but the pay was increased on that condition and is not insufficient.

(*g*) See the above answers.

(*h*) Yes.

(*i*) The conditions of this industry, which is a jail industry, are entirely different from those of other Presses.

Alipore Jail Press and Forms Department.

222. Babu HEM CHANDRA BHATTACHARJI: (*a*) Will the Hon'ble the Member in charge of the Department of Revenue (Jails) be

pleased to lay on the table a statement showing separately the number of men appointed under the old and new conditions in the—

(*1*) Alipore Jail Press; and

(*2*) Forms Department?

(*b*) Will the Hon'ble the Member be pleased to state—

(*i*) whether the convicts working in the Forms Department are literate or illiterate;

(*ii*) whether they have to work as coolies; and

(*iii*) how many such convicts are sent there daily and what sort of work they have to do?

(*c*) Will the Hon'ble the Member be pleased to lay on the table a statement showing—

(*i*) the employees of the Forms Department who require convict labour; and

(*ii*) how many of these employees are men appointed under—

(*1*) old conditions;

(*2*) new conditions?

(*d*) Will the Hon'ble the Member be pleased to lay on the table a statement showing the number of employees working in the Jail Press as clerks with their designation, educational qualifications and pay?

The Hon'ble Mr. H. L. STEPHENSON: (*a*) The statement is given below:—

Number of men on old conditions: Press—31; Forms—42.

Number of men on new conditions: Press—26; Forms—9.

(*b*) (*i*) Illiterate.

(*ii*) Yes.

(*iii*) Thirty convicts are sent to the Forms Branch daily and they assist the clerks issuing the forms and the despatchers in carrying the forms for the racks and in packing ready for despatch.

(*c*) (*i*) Thirteen.

(*ii*) (*1*) Eight.

(*2*) Five.

These men cannot work independently of the other clerical staff

(*d*) The statement is given below:—

Clerks.	Grade.	Educational qualification	
	Rs.		
1	125—5—150	Entrance standard	Head clerk and Accountant.
1	80—4—120	Ditto.	
7	44—3—110	Ditto	
8	30—2½—80	1 B.A. standard.	
		1 I.A. standard.	
		1 Matriculate.	
		5 Entrance standard.	
Apprentices.			
2	25 each	2 I.A. standard.	

Inconvenience of passengers at Madaripur.

223. Khan Bahadur Maulvi RAHMATJAN CHOUDHURY: (*a*) Will the Hon'ble the Member in charge of the Marine Department be pleased to state whether he is aware that there is a want of sufficient lights at the very important transhipment station of Madaripur, where the steamers come in and go out during the night?

(*b*) Is it a fact that there have been serious accidents, such as falls into the river which might lead to loss of life?

(*c*) Is it a fact that owing to the irregular plying of steamers the passengers are detained there for 24 hours or more and that thus the rush of the passengers becomes very great?

(*d*) Is the Hon'ble the Member aware that there is no waiting room for the 1st and 2nd class passengers or even a suitable shed to accommodate the rush of other passengers?

(*e*) Is the Hon'ble the Member aware that the want of an urinal has been a source of serious inconvenience to the passengers specially to the ladies?

(*f*) Are the Government considering the desirability of drawing the attention of the Rivers Steam Navigation Company to the grievances of the passengers due to want of accommodation and the absence of an urinal?

The Hon'ble Mr. J. DONALD: (*a*) The recognised transhipment centre is Churmuguria and only in the exceptional event of a steamer breakdown are passengers asked to transfer at Madaripur. There are ample lights at Madaripur station.

(*b*) There is no record of any accident, slight or serious.

(*c*) The steamer service is exceptionally regular, there is no avoidable delay to passengers and the accommodation is ample for the passengers concerned.

(*d*) There is no separate accommodation for 1st class passengers but a modern type of rest-house is provided with separate provision for males and females. There is also a dâk bungalow at Madaripur.

(*e*) and (*f*) There is no urinal but the necessity for it does not exist for passengers are not greatly delayed.

Madaripur-Tarpasha Express steamer service.

224. Khan Bahadur Maulvi RAHMATJAN CHOUDHURY: (*a*) Will the Hon'ble the Member in charge of the Marine Department be pleased to state whether he is aware that the mail steamer service between Madaripur and Tarpasha, known as Madaripur-Tarpasha Express steamer, which carried inward and outward Calcutta mails, inward Chittagong mail and outward Dacca mail, and which according to the scheduled time is due at Madaripur at 2 P.M., generally arrives there at about 4-30 P.M. and sometimes even at 7 A.M.?

(*b*) Is the Hon'ble the Member aware that this causes a delay in the delivery of the mails by about 14 hours and 11 hours, respectively, to the serious inconvenience of the public?

(*c*) Is it a fact that the delay is due to the fact that the Company care more for goods traffic than for passenger or mail traffic and detain the Express mail steamer at almost every station for an unlimited time for loading and unloading goods?

(*d*) Will the Hon'ble the Member be pleased to state whether he can say what justification the Company have for the irregular plying of the steamer, especially in view of the fact that there is another steamer plying between Madaripur and Tarpasha, known as the Madaripur-Tarpasha inter-steamer and which may be used for goods traffic without any inconvenience to the public?

(*e*) Are the Government considering the desirability of drawing the attention of the Rivers Steam Navigation Company to the grievances of the public due to the irregular plying of the Express steamer?

The Hon'ble Mr. J. DONALD: (*a*) The Tarpasha-Madaripur Express steamer is scheduled to arrive at Madaripur at 4-15 P.M. and not at 2 P.M. The vessel seldom arrives at Madaripur later than 16-30 hours.

(*b*) No delay occurs in the delivery of mails at Madaripur.

(*c*) This is not correct.

(*d*) and (*e*) These questions do not arise in view of the regular running of the service.

Administration arrangements of Asansol subdivision.

225. Rai MAHENDRA CHANDRA MITRA Bahadur: (*a*) Will the Hon'ble the Member in charge of the Political Department be pleased to state whether the Government have come to any decision with regard to the administrative arrangements of the Asansol subdivision?

(*b*) Will the Hon'ble the Member be pleased to state whether the dismemberment of Burdwan is contemplated?

The Hon'ble Mr. H. L. STEPHENSON: (*a*) It has been decided that the present arrangements by which a Sub-Judge exercising the powers of an Assistant Sessions Judge is stationed at Asansol, shall be retained. As regards the administration of the Local Self-Government Act, Government have no intention of reversing the present arrangements under which the Asansol Local Board enjoys as a special case a considerable measure of independence under the Burdwan District Board. In the event of the local boards being abolished under a consolidating Bill in amendment of the Local Self-Government Act, 1885, it would be possible to make a special provision in the Bill so as to enable the Asansol Local Board to continue to enjoy its present independence without ignoring the rights of the Burdwan District Board.

(*b*) The question of dividing the district of Burdwan is not under the consideration of Government.

Gun licenses to cultivators of Bhagawangola.

226. Babu SURENDRA NARAYAN SINHA: Will the Hon'ble the Member in charge of the Police Department be pleased to state how many licenses for arms (guns) have been granted to the cultivating raiyats under thana Bhagawangola by the District Magistrate of Murshidabad according to the standing Government orders, under Forms XIV and XV, which are specially intended for the cultivators for protection of themselves and of their crops from the ravages of leopards and other wild animals?

The Hon'ble Mr. H. L. STEPHENSON: No licenses in Form XIV and one license in Form XV. The licenses issued are almost all in Form XIII.

NON-OFFICIAL MEMBERS' BILLS.

The Calcutta Suppression of Immoral Traffic Bill, 1923.

(Further consideration).

CLAUSE 12.

Mr. PRESIDENT (the Hon'ble Mr. H. E. A. Cotton): The question is that clause 12 stand part of the Bill.

The following motion standing in the name of Rai Niharan Chandra Das Gupta Bahadur was, in the absence of the member, deemed to be withdrawn:—

"That in clause 12, line 1, after the word 'person' the words 'other than the mother' be inserted."

The following motion standing in the name of Khan Bahadur Maulvi Wasimuddin Ahmed was, by leave of the Council, withdrawn.—

"That in clause 12, line 8, after the word 'imprisonment' the words 'of either description' be inserted."

The following motion standing in the name of Rai Mahendra Chandra Mitra Bahadur was, in the absence of the member, deemed to be withdrawn:—

"That in clause 12, penultimate line, for the word 'three' the word 'two' be substituted."

The motion that clause 12 stand part of the Bill was then put and agreed to.

NEW CLAUSE 12A.

The following motions were, in the absence of the members, deemed to be withdrawn:—

Babu ANNADA CHARAN DUTTA: "That after clause 12 the following be inserted, namely:—

'12A. Any person who abets the commission of any offence under this Act shall be punished according to the general provision of abetment of offences in the Indian Penal Code.'"

Rai HARENDRANATH CHAUDHURI: "That after clause 12 the following be inserted, namely:—

'12A. When any police officer in charge of a police-station or above the rank of sub-inspector has reason to believe that any woman or girl in respect of whom an offence punishable under sections 9, 10, 11 or 12 has been or is being committed, is living in a house or part of a house he shall immediately make a report to the Commissioner of Police and may with his

previous sanction, enter such premises for the purpose of ascertaining whether an offence punishable under sections 9, 10, 11 or 12 has been or is being committed.' "

CLAUSE 13.

Mr. PRESIDENT: The question is that clause 13 stand part of the Bill.

The following motions were, in the absence of the members, deemed to be withdrawn :—

Babu ANNADA CHARAN DUTTA: " That in clause 13, line 2, after the words ' first class ' the words ' of seven years' standing ' be inserted."

Raja RESHEE CASE LAW: " That in clause 13, line 3, after the word ' sections ' the figure ' 5 ' be added."

Babu ANNADA CHARAN DUTTA: " That in clause 13, line 3, after the word and figures ' and 12 ' the words ' or abetments thereof ' be inserted."

The motion that clause 13 stand part of the Bill was then put and agreed to.

CLAUSE 14.

Mr. PRESIDENT: The question is that clause 14 stand part of the Bill.

Mr. F. E. E. VILLIERS: I move that in clause 14—

(*i*) in line 1, the word, figures and letters " 68B and 72A,"

(*ii*) in line 3, the word, figures and letters " 41A and 43A " be omitted, and

(*iii*) before the figures and letters " 43B " and 17B," respectively, the word " and "

be inserted.

Professor S. C. MUKHERJI: I accept the amendment.

The motion was put and agreed to.

The motion that clause 14, as amended, stand part of the Bill was put and agreed to.

CLAUSE 15.

Mr. PRESIDENT: The question is that clause 15 stand part of the Bill.

Babu SURENDRA NARAYAN SINHA: I move that clause 15 be renumbered as clause 15(*1*) and that after that sub-clause as renumbered the following be added, namely:—

"(*2*) Notwithstanding anything contained in sub-section (*1*) the girl, if she is so willing, shall be allowed to go to her parents or other relatives, who may appear to take the girl back home, if such persons produce an affidavit sworn to before a Presidency or a District Magistrate, as the case may be, bearing out such relationship."

The purpose which induced me to propose this amendment is that it has always been found to so happen that in many instances innocent and simple village girls are decoyed and seduced by wily procurers and procuresses, falling an easy prey to the extravagant hopes of future prosperity and pretentiously false allurements of the latter. After a few days' stay in the brothels they realize their true position and find themselves on the threshold of loathsome vice. They begin to regret the step they have taken and feel repentance and compunction for what they have done. They become desperately anxious either for rescue or for a way of escape. For this type of girls who are extremely anxious to retrace their steps and want to be rescued and restored to their parents or guardians, I have proposed the amendment, which provides for their restoration to their parents and guardians. Such girls, on being rescued from the brothels, should be asked if they are willing to go to their parents or guardians, as also their names and addresses. When parents or guardians, either of their own accord or on intimation being given them of the fate of their abducted girls, appear to take the girls back, the girls should be restored and allowed to go with them. But a proof of *bona fide* relationship should be produced for the satisfaction of the authorities.

With these words I commend the amendment.

Babu DEBI PROSAD KHAITAN: I think this amendment ought to be accepted by this House. In many cases it appears that girls are kidnapped or otherwise induced to come from the mufassal to Calcutta, and when they find in Calcutta that they have no occupation by which they could live, it sometimes becomes impossible for them to communicate with their relatives, and if proceedings are taken under the provisions of this Act as enacted, it seems that no power is given to the police whereby the girl may be allowed to return to their parents or to their relatives. This is the principle which this amendment seeks to introduce in the Bill. There is only one portion to which I would draw the attention of Government, that if Government thinks that this amendment should be accepted, I would ask permission to make some verbal changes in the amendment. This amendment says: ".....*if such persons* produce an affidavit sworn to before a Presidency or a District Magistrate . . ." and I would make it a little stronger and say "if such

persons prove to a Presidency or a District Magistrate, as the case may be . . . " Simply producing an affidavit may not be to the interest of the girl, as any person may come forward and produce an affidavit sworn to before a District Magistrate or a Presidency Magistrate. Such persons should be made to prove that they bear the relationship which they allege the girl bears to them.

The Hon'ble Mr. H. L. STEPHENSON: Babu Debi Prosad Khaitan has sought to remove a weak spot from this amendment, namely, that an affidavit is to be accepted as proof of relationship. He proposes that the onus of proving the relationship should lie on the applicant. In this country, I think, the House is aware, it would be practically impossible to prove relationship in these cases. There is another objection to this amendment, that if discretion is given to the Court to allow any relative to come forward with an affidavit and persuade the girl to return, then it would lead to very dangerous results. In nine cases out of ten the prostitute would come forward with an affidavit, and in nine cases out of ten she will induce the girl by threat or otherwise to return to her. It is desirable that minor girls under 16 should be saved even from their relatives. Suppose the prostitute is in reality the mother of the girl are we then to allow the girl to return to her. Surely the mother should not be allowed in such cases to come forward and take back the girl.

Babu DEBI PROSAD KHAITAN: Why not give the Magistrate a discretion?

The Hon'ble Mr. H. L. STEPHENSON: This amendment does not do so. It says the girl shall be allowed to go. No discretion is given to the Magistrate. I think Babu Debi Prosad Khaitan is under a misapprehension in supporting this amendment, which is quite unnecessary. What he is really thinking is that the girl must be sent to a place of detention such as an industrial home or an orphanage. If he will look at clause 6 (*2a*) of the Bill, he will find that if the girl be under 16 years of age, provision is made for such girls being placed in suitable custody. There is nothing to prevent the Magistrate from allowing a *bona fide* relative to take away the girl. Therefore I think the point which it is intended to make in this amendment is already there and the amendment is in itself a dangerous one. Therefore I trust the House will reject it.

The motion was then put and lost.

The motion that clause 15 stand part of the Bill was then put and agreed to.

NEW CLAUSE 15A.

SHAH SYED EMDADUL HAQ moved that after clause 15 the following be inserted, namely:—

"15A. If any contagious disease such as syphilis attack the prostitute she shall not be allowed to carry on her business until she is cured. If at the time of her disease, she carries on the business of a prostitute, she shall be punished with imprisonment which may extend to six months or with fine which may extend to five hundred rupees."

Professor S. C. MUKHERJI: I oppose the amendment. It is irrelevant and does not come within the purview of the Bill. The object of the Bill is not to go about examining prostitutes whether they have syphilis or other diseases. It is simply for the protection and rescue of minor girls that this Bill has been introduced.

The motion was put and lost.

CLAUSE 16.

Mr. PRESIDENT: The question is that clause 16 stand part of the Bill.

The following motions were, in the absence of the members, deemed to be withdrawn:—

Raja RESHEE CASE LAW: "That in clause 16 before sub-clause (*a*) the following be inserted, namely:—

'(*1a*) prescribing fees to be paid and the procedure to be followed upon applications made under sub-section (*5*) of section 5.'"

Rai NIBARAN CHANDRA DAS GUPTA Bahadur: "That clause 16(*a*) be omitted."

The motion that clause 16 stand part of the Bill was then put and agreed to.

PREAMBLE.

Mr. PRESIDENT: The question is that the preamble stand part of the Bill.

Professor S. C. MUKHERJI: I move that in line 3 of the preamble the words "and of the practice of solicitation" be omitted.

In view of the dropping of clause 4, these words are no longer required and they may be omitted.

The motion was then put and agreed to.

Mr. PRESIDENT: The question is that the preamble, as amended, stand part of the Bill.

The motion was then put and agreed to.

Professor S. C. MUKHERJI: I move that the Bill, as settled in Council, be passed. In doing so I wish to take this opportunity of expressing my sincerest gratitude to Government for its attitude. The attitude of Government has been not only one of benevolence, but one of active sympathy and hearty co-operation. This Bill will be regarded as an important piece of social legislation which will go a great way towards eradicating this evil if it is only backed by the whole-hearted support of the public at large. The citizens of Calcutta have a solemn and arduous duty to perform. Rescue homes and industrial homes should be established at the earliest possible moment for the reception of helpless minor girls who are rescued from brothels under the operation of this Bill. The Calcutta Vigilance Association, the Bengal Social Service League, the Bengal Missionary Conference and similar bodies are expected to take up the question in all seriousness and with as much expedition as possible. It is a matter of congratulation that the Calcutta Corporation has taken up a most sympathetic attitude towards this Bill, and the Chairman of the Corporation, an ardent social reformer himself, has most heartily supported this measure. There has been a feeling in certain quarters that the police will abuse their powers. The police will not dare do so if the public keep a vigilant eye and watch things closely. Some of my friends in the Council are grieved because whipping has been retained as a punishment in some of the sections of the Bill. Personally I have very great sympathy with them, but as there was a sharp division of opinion in the Council, I was advised to leave it to the corporate judgment of the Council. We are all proud of Calcutta, the second city of the Empire, the magnificent City of Palaces, the emporium of trade and commerce, the meeting place of the East and the West, the birthplace of democratic ideas and ideals, the nursery ground of Indian statesmen. We want to see Calcutta a clean city, purged of the cess-pools of vice and moral plague-spots which have so sadly marred and disfigured her. I hope and trust that this legislation will prove a real blessing, not only to Calcutta, but to the whole of Bengal.

The motion was then put and agreed to.

The Bengal Cruelty to Animals (Amendment) Bill, 1923.

Major HASSAN SUHRAWARDY: I move that the Bengal Cruelty to Animals (Amendment) Bill, 1923, as introduced by me, be taken into consideration.

The barbarous and wanton acts of cruelty towards the lower animals daily seen in the streets of Calcutta prompted me in July 1921 to move two resolutions for the prevention of cruelty to animals and the reduction of the size of those unwieldy bullock and buffalo carts peculiar to Calcutta and Howrah. I pointed out the difficulty of reclaiming by educational influences the hard-hearted carters and others who live and thrive on cruelty to animals. Relief lies therefore only through legislation. Government passed a Bill in 1920, but for some unknown reasons the act has not been brought into force and we are still working under the old Act of 1869. The present Bill proposes to amend both the Acts of 1869 and 1920. The scope of its operation will be the same as that of the previous Acts.

I submit that the punishments at present in vogue under the Acts in operation are entirely inadequate to check cruelty to animals. Indeed in many instances it pays the owner or the permitter of the offence to overload, under-feed and overwork the draught animals and suffer in consequence the usual small fine which is inflicted upon them on conviction, than to engage a sufficient number of carts and animals to carry only a specified load. The owners and permitters of cruelty, such as the sirdars and loaders who are entrusted with the removal of merchandise, remain safe outside the law. The carter or the servant as the perpetrator of the offence alone is prosecuted and convicted. The punishment is a fine, which, on account of the humble position of the carter, is usually slight. Even this does not affect him, as his master makes it good to him. Is it not a paradox that in a country like India, where the cow is regarded as a deity by the Hindus, where compassion towards dumb animals is a part of the religious duty of many, where disputes over the slaughter of cows are settled by the sacrifice of human lives, yet in this same country, the bullocks should be subjected to the slow torture of being killed by inches, by being under-fed and overworked and allowed to succumb steadily under the cruel treatment of merciless carters?

The practice of commercial firms paying by contract for the removal of goods per ton of material is taken advantage of by unscrupulous contractors who overload their carts and work them with overworked and under-fed emaciated animals and make money by their cruel practices. It is a profitable business, and they easily pay off the small fines or, more often, they manage altogether to evade the law by a judicious and regular distribution of subsidy. Hindu and Jain, Marwari and Bhatia merchants, who have great regard for the cow, do not realize that this contract system helps perpetration of cruelty to animals which work so patiently for mankind. Where is the consistency in our Hindu brethren objecting to the slaughter of cows and at the same time countenancing and actually aiding and abetting in killing the bullocks by inches?

Bad and cruel as the practice of overloading, overworking, underfeeding, ill-treating and cruelly beating the unfortunate draught animals may be, there is a still more reprehensible practice which is carried on to

an alarming extent in and around Calcutta. I refer to the disgusting and cruel practice of *phooka*. I shall not describe the revolting details of this wicked practice. I can only say that it is a forcing process which temporarily increases the amount of milk obtained from the cow, but it drains the animal dry in about six months and renders it sterile as the operation destroys certain reproductive organs. Under the strain of this forcing process the milk is occasionally tinged with blood and *débris* from the udders, and it thus endangers the purity of our milk supply. Under its pernicious effect a perfectly good milch cow is turned into a useless mass of skin and bones which the owners sell to the butchers. My friend, Babu Amulya Dhone Addy, who has always been pressing for interference of municipalities in order to prevent the slaughter of cows, will see how the milk-supply is definitely decreased by this widely prevalent abuse amongst the Hindu community. The Cow Preservation League states that about five thousand cows are daily subjected to this evil practice in and around Calcutta. This means that annually 18 lakhs of milch cows and prime cows, which would have given birth to calves and increased both the milk-supply and the number of cattle, are rendered sterile by the process of *phooka* and are doomed for the slaughter-house. Those Hindus who do not help in suppressing this wicked practice, seem to me morally responsible for decreasing the quantity of pure milk-supply and for increasing the alarmingly large number of dry cows which are sold to the butchers. Both sentimental and economic reasons should therefore prompt our Hindu friends to take efficient measures for stopping this dangerous and cruel practice. The only punishment for this great evil according to law is a fine, and it ranges from Rs. 4 to Rs. 5. Section 6 of the Act of 1910 provides for heavier fines. But will only fines, however big, ever stop this practice? I a mafraid not. Who are the persons on whom the majesty of the law descends? It is a poor Uriya or a low caste Dosad or Chamar. He is the hireling who is employed for doing this dirty work on behalf of the prosperous owners of cows and of the sheds, who sit safely at home and obtain their fat income and can well afford to pay any fine likely to be inflicted for the illegal doings of their hirelings. Even if you put the offender to prison it will not altogether stop the evil, because a bad character or *budmash* could be engaged to gladly commit the offence and be prepared to take the consequences. I maintain, Sir, that the fear of confiscation of the animal on which cruelty is perpetrated and the fear of imprisonment of the owner and abetter are the only effective means of stopping *phooka*. In my capacity as a trying Magistrate I have in cases of severe ill-treatment ordered the animals to be sent to the Veterinary Hospital for treatment and proper feeding at the expense of the owner. This ensured the badly-needed rest and sufficient food for the animals, and at the same time touched the pockets of the owners. This method of punishment acted as a better deterrent than a heavy fine. It is therefore obvious that if, in addition to the liability of a temporary loss of the use of the animal

while in hospital, the risk of permanent confiscation stares the owners in the face, the evil will be greatly reduced. If habitual cruelty is proved, the owner, and not his servant only, should be punished. If we really desire to suppress *phooka*, we should adopt sure methods and effective means for stopping it. These seem to me to be sending the animal to be detained in hospital at the owner's expense and confiscation of the animal if cruelty is proved, and imprisonment of both the owner and the man caught in the practice of *phooka* if habitual cruelty is proved. The wide prevalence of *phooka* is not only due to defective measures of punishment, but also to the difficulty of its detection. In every cow-shed where this practice goes on, there is a number of careful scouts who are watching the approach of detective officers of the Calcutta Society for the Prevention of Cruelty to Animals. They close all doors and windows, and defy the law of cruelty to animals by taking the protection of the law of trespass. It seems highly desirable that facilities should be provided to the agents of the Calcutta Society for the Prevention of Cruelty to Animals and other authorized persons to enter at all times those cow-sheds, the owners of which are suspected of contravention of the law. Detection must be made easy, or else no satisfactory result will come out by only legislating for inflicting hard punishments. It is certain that unless with deterrent punishments facilities for detection of the offence are provided, no satisfactory results for the prevention of *phooka* will come out of this legislation. I trust that the House and Government will take this Bill with the same benevolent spirit that they took the Bill for the suppression of immoral traffic. This also has a bearing on the physical growth of our nation. My friend, Babu Amulya Dhone Addy, has been pressing for the prevention of slaughter of cows for the improvement of the milk-supply and I look forward for his support in this serious milk problem. It was truly said by Her late Gracious Majesty, Queen Victoria that no civilization is complete which does not include the dumb and defenceless of God's creatures within the sphere of its charity and mercy.

I am sorry on account of illness I could not attend the meeting of the July session and this Bill could not be moved for consideration either by Mr. Villiers or Babu Debi Prosad Khaitan; therefore it is too late now to refer it to a Select Committee and then to bring it up for debate in this Council. Therefore I am now introducing it to this House and trust that it will, without being referred to a Select Committee, be accepted by this Council.

With these few words I move the Bill be taken into consideration.

Mr. J. CAMPBELL FORRESTER: I rise to support this Bill. This is a country that is before all things and above all things religious. How vividly that impression is driven home to the newcomer. On my arrival in this country when I travelled by river, I was struck by the numerous shrines and altars that lined the banks of the rivers, and

when I went by road I found the highways also lined by altars and shrines. Wherever you go, you find trees, rivers, cities sanctified by some past visitation of a favourite god. Implements of husbandry are consecrated before use, to him who gives the increase, and become objects of worship, and by no means the least useful of these to the agriculturist and the labourer is the bullock. To me, Sir, it has ever been a problem—a problem to which I cannot find a solution—of how such a religious and kindly hearted people can allow the animals, that are of such use to them and that bring them profit, to be so terribly abused.

I have seen these poor dumb animals wearily pulling much overladen bullock carts, staggering along in the broiling sun, being whipped, thrashed, and having their tails cruelly twisted urging them on to do a task that is beyond them. Poor animals, staggering on without retaliation, trying to do what is beyond them, until frequently they drop down dead under the strain. Then I think of the great Buddha giving his body to the famished tigress, and I wonder how these people with such traditions can do, or allow to be done, such torture and cruelty to dumb, defenceless animals.

The drivers of motor cars are licensed, the drivers of *ticca* gharries are licensed, and why are the drivers of bullock carts not licensed? They should have a license the same as others. It is not sufficient for the carts to be numbered by the municipality. You frequently see the numbers upside down and disfigured, so that they cannot be seen. Now, Sir, just one word on what perhaps is the vilest form of cruelty to animals I have ever heard of, called *phooka*, performed on a cow, so that a dastardly owner may reap more profit by his cow giving more milk. To one coming from the motherland, such a thing is inconceivable, and one would naturally imagine it has only to be brought prominently before the public, to have a law passed that will stop this vile, hideous, loathsome, and repulsive practice. More opportunities must be given to the inspectors of cruelty to animals to bring these vile wretches to book. These inspectors have the utmost difficulty in getting at these culprits. The law does not permit them to go inside the cow-sheds, and it is only by scheming and devising methods that these culprits are occasionally discovered and brought to court, and when all this trouble has been taken, the Magistrate will impose a fine that is not sufficient to act as a deterrent. The inspectors ought to have the right—they ought to have the power—to imprison the offender and confiscate the animal. As a rule, it is the menials who are punished, and the owners, who reap the extra profit for this vile act, go free.

The Act of 1920 is evidently inoperative because of the scarcity of funds. The amended Act will give us all the most important reforms of the 1920 Act without adding one anna to Government expense

and will include the owner's clauses, which the 1920 Act omits. Sir, it behoves us to do everything we can to protect these dumb animals. When I see such atrocities committed, such repulsive cruelty, my soul sickens within me and my flesh shudders. Every one who loves animals must feel like this. I plead with this House to give its support to the Bill.

Babu DEBI PROSAD KHAITAN: I whole-heartedly welcome any measure that is brought forward to prevent cruelty to animals. It is a matter indeed of great regret that the Government have not yet thought fit to bring into operation Bengal Act I of 1920 which deals rather extensively with this problem. I hope that after the expression of opinion in this House to-day, Government will seriously consider the necessity of enforcing the provisions of Bengal Act I of 1920 as soon as possible, and not allow it to remain a dead letter on the ground of financial stringency or any other ground whatever. Dr. Hassan Suhrawardy and Mr. Forrester have already dilated upon the extent of cruelty that is prevalent in this city. It is just and proper to the animals which we use for our own comfort and convenience, that some satisfactory steps should be taken with as little delay as possible, in order that the cruelty which is at present practised upon them may cease to exist.

In regard to the Bill which has just now been moved by my friend, Dr. Hassan Suhrawardy, I have already said that I welcome any measure brought forward to relieve the animals from the distressing use to which they are put by men. There is only one provision which I think I am not out of order in mentioning at this stage, viz., the provision of confiscation, which is also incorporated in this Bill. Those in this House who have read the opinions expressed by public bodies have expressed themselves with great force regarding confiscation, and have not been able to support this part of the Bill. The reason is due to the fact that there is no provision in the Bill pointing out what would be done in regard to the animals confiscated, and it is apprehended that the result of confiscation would be that the Government not having any place at their command to provide for the maintenance of the animals after confiscation, they will be sent to the slaughter-house, and it is for this reason that the Marwari Association, the Indian Association, and other public bodies have not been able to lend their support to that part of the Bill which deals with confiscation.

As regards the other provisions, I hope the House will accept this Bill to show to Government the necessity of providing steps to prevent cruelty to animals, and also to bring home to the Government the urgent necessity of bringing into operation the provisions of Act I of 1920.

The Hon'ble Mr. H. L. STEPHENSON: I rise to oppose this motion, not for any want of sympathy with the cause which the previous speakers have advocated, but because Government feel that that cause will not be advanced one single iota by consideration of this Bill. The Bill, Sir, proposes to amend both the Acts—the Act of 1869, which is now in force, and the Act of 1920, which is not in force. There are theoretical objections to amending an Act which has never been put into force, as we cannot tell whether it needs amendment or not. The amendments of this Act which are now being urged will not come into force until the Act itself comes into force, and most of the speakers have admitted that if the Act of 1920 is put into force, a very great advance will have been effected. The Bill before us proposes to inflict punishment of imprisonment for ill-treatment, but that already forms part of the Act of 1920. Then it proposes to inflict imprisonment for employing unfit animals. During the debate on the Act of 1920 no proposal was made to inflict the punishment of imprisonment for this offence. That, Sir, is at all events an indication that the plea for imprisonment was not regarded as a crying need. The rest of the Bill adds confiscation of the animal or the carcase to the penalties prescribed by the Act of 1920. As I have said, these penalties will not come into force until we enforce the Act of 1920. The bulk of the opinions sent in upon this Bill is strongly averse to confiscation being added to the penalties already in the Act of 1920. Dr. Suhrawardy has given us his reasons for proposing confiscation, but, Sir, I think there are strong theoretical objections to confiscation, and in view of the strong opposition to it, Government will have to consider very carefully any proposal to amend the existing Act to this end.

If we take away the proposed confiscation of animals, there appears to be nothing left in the Bill.

I entirely sympathize with Dr. Suhrawardy in his endeavours to get a move on in this question of cruelty to animals. He tried in 1921 with a resolution in this House, but he was induced to withdraw that resolution and wait till the Act of 1920 was enforced. I think he is rightly hurt that he was induced to withdraw the resolution, and that Government have not done anything further.

I should like to explain the position exactly in regard to this Act. Before the Act was passed, we had been in correspondence with the Calcutta Municipality as to the details of the City Veterinary Department which they proposed to establish, the area it was to serve, its scope, the financial arrangements, and so forth. After the Act was passed in 1920 we came to the conclusion that as the proposed City Veterinary Department was still in the air, we had better draw up a scheme for enforcing the Act ourselves. We had a meeting at which the President of the Society for the Prevention of Cruelty to Animals,

the Commissioner of Police, the Acting Chairman of the Municipality, and myself as Chief Secretary discussed the matter, and a scheme was drawn up by the head of the Veterinary Department which would cost Rs. 36,000 recurring and Rs. 17,000 initial in order to bring the 1920 Act into force. This scheme was approved by the Committee and it was too late to get it into the budget that year, and it was put down in the schedule for the next year. As the matter is dealt with in the Police Department it was put before the Police Standing Committee, and in accordance with the advice of the Standing Committee the Corporation were asked whether they were willing to take over the administration of the Act or not. We officially addressed the Corporation on the 21st September, 1921. We received a reply on the 16th February, 1922, enclosing a copy of a resolution passed by the Committee of the Corporation. This resolution read: "That Government be informed that it has always been the intention that the City Veterinary Department should administer the Cruelty to Animals Act, but that before coming to a final decision on the subject, the Corporation would like to await the opinion of the new Chief Veterinary Officer who is about to be appointed. In any case, if the Corporation undertook the administration of the Act, they will expect to be credited with the fines."

That was on the 16th February, 1922; we reminded the Corporation on the 22nd August, 1922, the 22nd February, 1923, and the 11th June, 1923, but we are still awaiting their reply. Now Dr. Suhrawardy has borne out the fact that the penalties now inflicted are not nearly the maxima under the law now in force; by raising the maxima you are not going to improve things or prevent cruelty to animals. Spasmodic prosecutions will do but little; what is wanted is a systematic campaign, and the essentials of such a campaign are, as the Council recognized in 1920, veterinary inspection, weighbridges, and veterinary hospitals. The Act of 1920 recognises this and provides for it. We must have the proper machinery for this campaign, otherwise it is beating the air. There are two alternatives: either for Government to set up the machinery themselves and provide for the cost in the next budget, or for the Corporation to take it over; and I do suggest to the House that instead of proceeding with the examination of this Bill which can do no good, all those who feel strongly on the subject of the prevention of cruelty to animals should bring all the influence that they have got to bear upon our friend, the Chairman of the Corporation, to expedite their decision in the matter. As far as Government are concerned, it is not mainly the question of financial stringency that stands in the way. It will not be right for Government to set up a veterinary establishment inside the area of the Corporation when they have said that they wish to set up their own establishment. Government themselves would prefer that the Corporation should administer the Act, and that would be the right course.

But if the Corporation were to decide that they are not going to do it, then Government would be prepared to bring forward and place before the Council proposals for the inclusion in the next budget of a provision for setting up this establishment to work the Act of 1920. The new Act has not been enforced at all, but if the Council wishes to see it enforced and authorizes Government to provide the machinery, Government would, with due regard to the present financial position, be perfectly prepared to do it. So, I would suggest to the House to reject the present motion.

The motion was put and lost.

The following motions standing in the name of Shah Syed Emdadul Haq were, by leave of the Council, withdrawn:—

The Bengal Fish Fry Preservation Bill, 1923.

SHAH SYED EMDADUL HAQ to move for leave to introduce a Bill for the preservation of certain kinds of fish fry in the Presidency of Bengal.

The Bengal Village Self-Government (Amendment) Bill, 1923.

SHAH SYED EMDADUL HAQ to move for leave to introduce a Bill to amend the Bengal Village Self-Government Act, 1919.

The Bengal Prevention of Brothels in Fairs Bill, 1923.

SHAH SYED EMDADUL HAQ moved for leave to introduce a Bill for the prevention of brothels and immoral traffic in fairs. He spoke in Bengali in support of the Bill.

The Hon'ble Mr. H. L. STEPHENSON: Much as I sympathize with the Shah Sahib's desire to get one little Bill through, I am afraid I am bound in the interests of the good name of this House to oppose the introduction of the Bill. The Bill professes to be one for "making better provision for brothels in fairs" in the mufassal. We have just passed a Bill for the suppression of immoral traffic in Calcutta, and I think that the House will decline to have a Bill introduced for better provision for brothels in the mufassal. Any member who has read this Bill must see that it is a perfectly impossible Bill to carry out, and that any alterations that could possibly be made would be such as to necessitate the reintroduction and republication of the Bill. I think therefore that I am justified in asking the House not to let this Bill in its present form be in any way associated with us.

The motion was put and a summary division taken in the Chamber. As more than ten hands were raised in favour of the motion, an ordinary division through the lobbies was taken with the following result:—

AYES.

Ahmed, Khan Bahadur Maulvi Wasimuddin.
Ahmed, Maulvi Azaharuddin.
Ahmed, Munshi Jafar.
Ali, Mr. Syed Erfan.
Ali, Mr. Syed Nasim.
Ali, Munshi Amir.
Ali, Munshi Ayub.
Arhamuddin, Maulvi Khandakar.
Azam, Khan Bahadur Khwaja Mohamed.
Barma, Rai Sahib Panchanan.
Bhattacharji, Babu Hem Chandra.
Chaudhuri, Khan Bahadur Maulvi Hafizar Rahman.
Chaudhuri, Maulvi Shah Muhammad.
Choudhury, Khan Bahadur Maulvi Rahmatjan.
Dutta, Babu Indu Bhushan.
Farequi, Mr. K. G. M.
Haq, Shah Syed Emdadul.
Hussain, Maulvi Mahammed Madassur.
Karim, Maulvi Fazial.
Khan Chaudhuri, Khan Bahadur Maulvi Muhammad Ershad Ali.
Makramali, Munshi.
Maitra, Dr. Jatindra Nath.
Pahlewan, Maulvi Md. Abdul Jabbar.
Roy, Babu Jogendra Krishna.
Roy, Maharaja Bahadur Kshaunish Chandra.
Roy, Raja Manilal Singh.
Sinha, Babu Surendra Narayan.
Suhrawardy, Mr. Huseyn Shaheed.

NOES.

Banerjea, the Hon'ble Sir Surendra Nath.
Banerjea, Dr. Pramathanath.
Birley, Mr. L.
Bose, Mr. S. M.
Carey, Mr. W. L.
Crawford, Mr. T. C.
Das, Babu Bhishmadev.
Das, Mr. S. R.
De, Mr. K. C.
Dey, Mr. C. C.
Donald, the Hon'ble Mr. J.
Donovan, Mr. J. T.
Doss, Rai Bahadur Pyari Lal.
Duval, Mr. H. P.
Emerson, Mr. T.
Forrester, Mr. J. Campbell.
Ghose, Mr. D. C.
Ghose, Rai Bahadur Jogendra Chunder.
Goode, Mr. S. W.
Hornell, Mr. W. W.
Huntingford, Mr. G. T.
Janah, Babu Sarat Chandra.
Maharajadhiraja Bahadur of Burdwan, the Hon'ble the.
Mallik, Babu Surendra Nath.
Marr, Mr. A.
McAlpin, Mr. M. C.
McCay, Lt.-Col. David.
Mitra, Rai Bahadur Mahendra Chandra.
Mitter, the Hon'ble Mr. P. C.
Mukerjee, Mr. S. C.
Mukharji, Babu Satish Chandra.
Philip, Mr. J. Y.
Raheem, Mr. Abdur.
Rahim, the Hon'ble Sir Abd-ur-.
Raikat, Mr. Prasanna Deb.
Ray, Kumar Shib Shekhareswar.
Ray, Rai Bahadur Upendra Lal.
Robertson, Mr. P. W.
Rose, Mr. C. F.
Roy, Babu Jogendra Nath.
Roy, Mr. Bijoyprosad Singh.
Roy, Mr. J. N.
Roy, Mr. Tarit Bhusan.
Stephenson, the Hon'ble Mr. H.
Stuart-Williams, Mr. S. C.
Suhrawardy, Dr. A.
Suhrawardy, Major Hassan.
Travers, Mr. W. L.
Villiers, Mr. F. E. E.

The Ayes being 28 and the Noes 49, the motion was lost.

Resolutions

(on matters of general public interest).

Amendment of Bengal Electoral Rule 5, Sub-rule (2).

Babu INDU BHUSHAN DUTTA: I move that this Council recommends to the Government that immediate steps be taken to move

the proper authorities to amend sub-rule (2) of rule 5 of the Bengal Electoral Rules in such a manner as not to make any person ineligible for election as a member of the Legislative Council, who has been convicted of any political offence or any offence involving no moral turpitude.

This resolution has long been overdue and should have been moved early in the year, so that its acceptance by the House might give the authorities sufficient time to give effect to it at the next general election. Even now, I hope that it is not too late.

The main objects of my motion are, first, to vindicate the principle as to what class of people should or should not be kept out of the Council and, secondly, to remove an illogical and insulting bar against those patriots who have suffered in consequence of the nervousness of the authorities during the memorable winter days of 1922.

To take the first question, why has this rule been introduced? The rule stands thus:—

> A person against whom a conviction by a criminal court involving a sentence of transportation or imprisonment for a period of more than six months is subsisting shall . . . not be eligible for election for five years from the date of expiration of the sentence.

There is absolutely nothing in this rule regarding the nature of the offence. We only hear that if a man has been convicted for more than six months, he is to be kept out of the Council for five years after he has served the imprisonment. It does not matter whether the offence is technical or whether the offence has really been serious. It does not matter what sort of a person he is. If a Magistrate takes it into his head to convict a man for more than six months, he must be kept out of the Council. I must confess that I do not understand the equity of this rule. If you really want to keep out undesirable criminals from becoming members of the Legislative Council because of their moral turpitude or because of the felony which they have committed, why do not you say so straight out? What is the good of hiding behind the period of sentence? Surely, it is very unsafe to judge of the nature of the offence by the period of imprisonment that is inflicted in a court of law. The English rule is quite different. It is perfectly clear about the nature of the offence that is committed. In May's "Parliamentary Practice," page 33, the disqualification is written thus:—

> A person attainted, or adjudged guilty, of treason or felony, and not having endured the punishment to which he was adjudged or received a pardon, is disqualified for membership of either house of Parliament: but an indictment for felony causes no disqualification until conviction. Even after conviction a new writ has not been issued, when a writ of error was pending, until the judgment had been affirmed.

That is all the disqualification there about the members of the House of Commons. Among those, who are ineligible for election for the British

Parliament are those convicted of treason or felony. Now, treason and felony are well-defined offences. Treason includes waging war against His Majesty, and felony includes such crimes as murder, burglary, rape and such other heinous offences and excludes misdemeanours. This desire of the British Parliament to keep out persons who are convicted of such offences is quite logical. Persons who are tainted with felony or persons who are really guilty of such offences as moral turpitude should not be members of a body which has the power of framing the laws of the country. That is quite a logical attitude. This attitude I can quite understand and follow, but it seems strange that the British precedent has not been followed in framing the rules for this country. We have been hearing such loud talks of this legislative body having been made after the pattern of the great and glorious British Parliament, that it seems strange that when making rules for the privileges and disqualifications, the authorities have not followed the British precedent. They have made their own rules according to their new standards and have not cared to follow the best traditions of the British Parliament. The reasons are not far to seek. Is it because they are afraid of their political opponents coming inside the Council and taking up the cudgels? Is that the reason why this rule has been framed? It is evident that that is the only explanation that could occur to any person of common-sense. Otherwise we do not find in any country any rule being made which will fix the period of a sentence as the rule of disqualification and not the nature of the offence. In England, as I have said, they never think of the period of imprisonment. They think of the nature of the offence. Misdemeanants are not prevented from coming to the Legislature. In England sedition is only a misdemeanour.

In Mr. Kenny's book on Criminal Law, page 483, it is clearly stated how a person imprisoned for sedition is to be treated as a misdemeanant of the first division. Here we see examples of seditionists being sent to prison for two or three years or even more and *ipso facto* they are kept out of the Council, but in England they have no rule of this kind to keep them out. A man convicted of sedition would not be ineligible for contesting a seat in Parliament. Why should he be ineligible here, simply because courts have been pleased to convict him for a period of more than six months? I think that it is quite a fair proposition to say that in this matter, we should be guided by certain definite principles, and those principles, I submit, are that people convicted of certain classes of offences which carry moral turpitude—offences like treason and felony, as I have said before—should only be ineligible.

To come now to my second point, viz., the prevailing conditions of Bengal. I feel certain that in the existing circumstances of the country, these restrictions should certainly be removed. It was once said by a senior member of this Council, Sir Asutosh Chaudhuri, that a subject

nation has no politics. I do not know what he meant by this epigram. There may or may not have been some truth in it, but there seems to be a great deal of truth in the saying that the serious politics of a subject nation often send its votaries to prison. Considering that such things do take place in this country, I think that this rule should be removed at once. The history of the political movement in this country during the last three years will more than convince any impartial observer that some of the best brains of the country—the most selfless workers—the most ardent patriots—have suffered imprisonment because they love their country better than they love their own selves. When I remember that men like Chand Mia of Karatoya, Shyam Sundar Chakravarty, J. L. Banerji, Suresh Banerji, Budia Mia, and a host of other patriots, have been made ineligible to be members of this Council by this senseless rule, I cannot have any patience. I feel that this Council will be all the poorer by having deprived itself of the help of these ardent patriots. It is a mere accident that Mr. C. R. Das himself has been made eligible. One day's more imprisonment and there would have been a bar against him from coming into this Council. Just think of it—what inordinate power of mischief you have placed in the hands of the magistrates. Why this artificial limit of six months is placed there, is a mystery to many of us. During the stormy days of the winter before last, we saw the inglorious spectacles of people being sentenced to different periods for the same offence—people being sent to prison for mere technical offences. When the period of a sentence of imprisonment depends, not so much on the nature of the offence but sometimes, may I say, on the whim, the sweet will, idiosyncracy or some subtle reason, of the powers that be, this criterion of six months is absurd. In a country where long terms of imprisonment are usually the rule, the power of six months' imprisonment is absolutely mischievous; it is most unsafe to fix a standard of the length of imprisonment. The true criterion must be that of the nature of the offence. If you really want your Legislative Council to be truly representative of the people, and not a mere farce, you must remove this bar which prevents such true representatives from coming to the Council. The voice of the Council can have no weight at all if these men are kept out merely on technical grounds.

I have lately heard a suggestion that Government are willing to change the rule in case of persons who care to come up to Government. I do not know if there is any truth in this, but I must submit that this is insulting to the self-respect and dignity of the people. If these persons have the confidence of the people, I do not see why they should come forward to Government and send petitions to them that they should be pleased to remove the bar against them. The country is behind them. The voice of the country asks them to come to the Council. So it is best that the bar should at once be removed before the next election takes place.

Kumar SHIB SHEKHARESWAR RAY: I move that this Council recommends to the Government that immediate steps be taken to move the proper authorities to amend sub-rule (2) of rule 5 of the Bengal Electoral Rules in such a manner as to authorize the local Government, in the case of any person, to remove the disqualifications mentioned therein by an order in that behalf.

My resolution is in a sense broader than the one moved just now, for although I am in full sympathy with it and would have been glad to support it, I feel that there is a little difficulty in it which would become apparent when the time came to translate it into action. For, Sir, there is no definition anywhere of what is commonly known as a political offence. An attempt might be made to define political offences falling under sections 124A and 153A of the Indian Penal Code or under the Criminal Law Amendment Act or the Seditious Meetings Act or under sections 123, 108 and 109 of the Criminal Procedure Code. But surely this list cannot be said to be exhaustive, for instances are known where section 144 has been freely resorted to to convict people for political offences. Then, Sir, the persons who are generally entrusted with the work of preparing the voters' lists are not usually so educated as to possess that fine sense of discrimination and decide what is a political offence or what offence does not involve moral turpitude. They would naturally employ a sort of thumb-rule, and rule out those people who have been convicted of any offence whatever and sentenced to imprisonment for more than six months. And in cases of appeal, the revising authorities, who are also the final authorities in such matters, might exercise their discretion whimsically, there being no definite rule to act upon, and different standards might prevail in as many different constituencies. So I would rather prefer that the matter should not be thus circumscribed by the words "political offence" and "moral turpitude." For, Sir, a non-political offence might not always involve moral turpitude. It is quite likely that a man might under grave and sudden provocation commit culpable homicide or grievous hurt and thus be sentenced to imprisonment for more than six months, and so also might a man be convicted of having technically kidnapped his own married minor daughter from the custody of a cruel husband. All such convictions are not convictions for political offences and they do hardly involve any moral turpitude. Are the registering and revising authorities to be saddled with such work as to go through the evidence and judgment on them over again and decide on the nature of the offence, political or otherwise, as also the presence or absence of moral turpitude? That I think to be absurd, a task hardly possible for the poor revising officers.

There are only two ways to meet this difficulty. First, to follow the law and practice in England, according to which whatever might be the nature of the offence and whatever might be the punishment, an ex-convict, after he has once paid the penalty, is absolutely on a

par with any other citizen of the realm in respect of his eligibility to sit in the House of Commons. In England a convict might even be elected to the House of Commons while he is actually undergoing a sentence of imprisonment not exceeding one year. So, Sir, the first course open to us is to adopt the English law. And perhaps if we had agitated in time, we could have secured this for our country, to be of use during the forthcoming election. But it is too late now to carry this agitation to a successful end, for this proposal would naturally give rise to a prolonged controversy; and as under the existing constitution, every change in the electoral rules has to be laid before both Houses of Parliament to secure their assent, it is hardly possible for us to get definite results before the next election takes place.

In the circumstances if we really want to secure an immediate redress of our legitimate grievances in the matter, we must follow the line of least resistance. And I think my resolution is as harmless as possible in this respect. I understand that the matter is, at the present moment, under the consideration of the Secretary of State for India. From a recent Reuter's message we further gather that the Government of India have already made a representation there on this subject. We do not know what the nature of that representation is. But if the House accepts my resolution to-day, it might be communicated to the higher authorities at once, to enable them to take our recommendation too into their consideration.

This matter of disqualification has become most important because of the critical period through which our country has passed since the inauguration of the Reforms. A very large section of the intelligentsia of the country was disappointed at the Reforms. They took to non-co-operation and other methods to secure further reforms. As a result there had been great political unrest in the country, in which both the people and the Government had lost their balance. The people were defiant, and the Government too, by special orders and enactments, made crimes of things which in themselves were perfectly moral and constitutional. And there were even inequities in enforcing the penalties. In consequence a large number of highly qualified patriotic persons had to undergo terms of imprisonment which under the existing rules have debarred them from election. This is a serious grievance and a matter for grave consideration in the interests both of the country and the Government.

My demand is extremely moderate. In the rules of the old unreformed Council, rule IV, clause (*H*), also provided "that the disqualification may be removed by an order of the Governor in Council in this behalf." In the report of the Southborough Committee we find laid down in paragraph 28 the recommendation "that the same authority may remove the disqualification," and in the draft rules prepared by them they had kept the proviso "that in such cases the

disqualification may be removed by an order of the Governor in Council in this behalf." Again, in the Government of India's fifth despatch on the Reforms, we find them endorsing the Committee's recommendation on this point. Then, Sir, when the matter came up before the Parliamentary Joint Committee, we find from their report that they decided to liberalize the rule by limiting the disqualification to only five years after the conviction. Apparently through inadvertence or oversight they passed by the proviso, to which nobody had up till then ever objected. Sir, my resolution simply recommends the restoration of this useful proviso, and I hope there will be no opposition from any quarter to the passing of this resolution. And, I further hope that there is no serious apprehension in any quarter that the effect of this provision would be nugatory. For we all know that by the exercise of this power in the past well-known people, great patriotis, who could otherwise never come into the Councils, had been made eligible for election. Lokemanya Tilak, Sir Surendra Nath Banerjea and Lala Harkissen Lal owed their seats to this provision.

Dr. PRAMATHANATH BANERJEA: Question.

Kumar SHIB SHEKHARESWAR RAY: Dr. Banerjea questions my statement with regard to this provision. I may tell him that if he refers to the Government orders, he will find that the disqualification with regard to them was withdrawn. And if Parliament accepts this proposal, even now under the new Bengal Election Rules [rule 9, sub-section (6)] men like Maulvi Akram Khan, Chand Mia of Karatoya, and Babu Shyam Sundar Chakravarty could be made eligible for election at the next general election.

With these words I commend the resolution to the acceptance of the House.

Rai HARENDRANATH CHAUDHURI: I move that this Council recommends to the Government that immediate steps be taken to move the proper authorities to amend sub-rule (2) of rule 5 of the Bengal Electoral Rules so as not to make ineligible for election persons convicted under sections 124A and 153A of the Indian Penal Code or under the Criminal Law Amendment Act or the Seditious Meetings Act or under section 123, Criminal Procedure Code, for refusing to give security demanded for political activities by a Magistrate acting under sections 107, 108 and 109 of the same Code.

Let me explain the scope of my resolution with reference to the electoral rule in question. What does rule 5, sub-rule (2), say? It provides that anybody against whom a conviction of more than six months is subsisting—whatever may be the nature and character of his offence—shall not be entitled to stand for election—not for all time to come, but for five years only from the date of the expiry of the sentence of transportation or imprisonment. Thus, you see, it

imposes a temporary disability upon all persons who had the misfortune of being convicted for more than six months—irrespective of the nature and colour of the offence for which they might have been convicted. It is clear, therefore, that there is nothing in this rule to prevent an erstwhile robber or a murderer from standing for election and taking his seat in the Council, unless of course otherwise disqualified. While on the one hand such is the case, on the other hand it makes it impossible even for a Lokmanya Tilak or a Mahatma Gandhi, a Maulana Muhammad Ali or a Lala Lajpat Rai, i.e., for a person whose high character and great representative position cannot be questioned, to stand for election, if he so chooses, at the very next election after his release from jail. It is therefore evident that this rule has no moral basis and justification and is at best a highly technical rule owing its origin to the caprice of the framers.

Such being the case, I ask each and every member of this Council to dispassionately answer two questions—

(*a*) What stands between a robber or a cut-throat, whose sentence of imprisonment or transportation expired only five years ago, and a seat in the Council—say, after the next general election; and

(*b*) whether such a technical rule should or should not be relaxed in favour of certain persons who, whatever might be their offence, are certainly not regarded by the country at large as criminals?

It must be admitted in answer to the first question that it is nothing but the vote of the electors and the choice of the constituency, and not our like or dislike, which makes it impossible for all such outlaws and moral lepers as are mentioned in my first question to come and legislate for the country. It is the *vox populi* as dictated by their judgment and discretion which is the *vox Dei* and not the letter of such a rule or a *fasciat-fiat* which after all is the determining factor. In a democratic constitution you have got to depend upon it, whether you will it or not.

If that be the case, the next question is, why should you restrict the field of choice of the electors—why should you exclude all those persons with whom you do not see eye to eye in politics, and who, however misguided you might think them, are certainly not felons and criminals in the ordinary sense of the term, and who certainly do not lack in patriotism—patriotism which should be the only adequate passport to a representative position? What harm can there be in proposing that the disqualification in their cases should cease with the expiration of the period of their imprisonment? Not to agree to it will certainly be to detract from the representative character of the Council.

And the necessity of such a proposal will be apparent when it is remembered that during the last two years hundreds and thousands of

our educated men and many of the best and most respected of our countrymen have courted arrest and allowed themselves to be convicted without any defence and suffered, and some of them are still suffering, heavy punishments and long terms of imprisonment. They are fully our peers and some of them surely superior to many of us in education and ability. What should be our attitude to them—to those who three years ago had the supremest contempt for constitutional agitation and many of whom now are anxious to exercise the franchise and get into the Council? What should prudence and patriotism, liberalism and statesmanship dictate—to goad them to revolutionary propaganda or help them to adopt evolutionary methods in politics—to exclude them and drive them to the wrong track of direct action or win them back to the constitutional fold and parliamentary procedure?

It might be said in reply: Well, their avowed object is to come into the Council in order to break it—to carry non-co-operation into the Council Chamber. Well, that may be the avowed object of some of them. But have not phrases like "responsive non-co-operation," etc., gained currency even before any of them has set his foot in the Council Chamber? Coming to scoff, I am quite sure they will remain to pray—pray, not certainly to the bureaucracy, but for the long life of an ordered and truly responsible Government which we are all anxious to promote and the very negation of which even the very stout heart of Deshabandhu Das shudders to think of.

Now, to explain the details wherein my resolution differs from those moved by my friends, Babu Indu Bhushan Dutt and Kumar Shib Shekhareswar Ray. Well, Indu Babu's resolution does not substantially differ from mine in spirit. Indu Babu desires that political prisoners should not be debarred from seeking election—persons whose offence does not involve moral turpitude should be allowed to stand for election. I am also of the same opinion and plead for qualifying such of them as have suffered transportation or imprisonment for more than six months. But there are persons I know, though certainly I could not suspect that the Kumar Sahib is one of them, who will object to Indu Babu's resolution on the ground that "political offences" are vague words and hence they cannot subscribe to such a vague proposal without ascertaining definitely the offences from which the ban of disqualification is to be removed. It is just to ease their conscience that I have mentioned the specific offences for which conviction and imprisonment for more than six months are to be waived and condoned in the matter of election to the Legislative Council.

Thus I have first of all mentioned section 124A, Indian Penal Code—a section under which men like Jitendralal Banerji and Abul Kalam Azad have been convicted—a section which provides a peculiar law of sedition for this country. Then I have mentioned section 153A, Indian

Penal Code. Under this section also many political enthusiasts have been incarcerated. Then come sections 107, 108, and 109 of the Criminal Procedure Code. The whole country knows to its cost how these sections have been misused and misapplied deliberately and often to put down the active non-co-operators. I will not multiply instances but mention simply one. I think the Council has not forgotten how of all persons a man like Wazed Ali Khan Pani was ordered to furnish security for good behaviour and how, for refusing to do so and submit to the Government test of character, he was sentenced to not less than 18 months' imprisonment. Remembering all these, I hope the Council will be pleased to accept my suggestion, which differs altogether from Kumar Shib Shekhareswar Ray's resolution. I cannot understand how a clever man like the Kumar Sahib could simply content himself with moving a resolution which, after all, is nothing but a paraphrase of the sub-rule in question. For the sub-rule as it stands at present certainly enables those persons whose offences have been pardoned to stand for election in spite of a conviction for more than six months subsisting against them. So to ask for the local Government's authority to remove the disqualification contemplated in this sub-rule is altogether pointless.

With these words I commend my resolution to the acceptance of this House, believing that the hon'ble members will not show anything like the "intolerance of tolerants."

Dr. PRAMATHANATH BANERJEA: I rise to give my cordial support to the resolutions moved by my hon'ble friends, Babu Indu Bhushan Dutta and Rai Harendranath Chaudhuri. I would prefer the latter resolution, which is more definite than the former. Sub-rule (2) of rule 5 of the Bengal Electoral Rules is, on the face of it, absurd. The disqualification is based on the period of conviction and not on the nature of the offence. A conviction involving more than six months' imprisonment does not necessarily imply moral turpitude. A person may be sentenced to imprisonment for an offence which does not bring any discredit on his character. It is often said that the courts sometimes make criminals of innocent persons; and it is also true that the sentence of a court sometimes raises a man in the estimation of his countrymen. The effect of the sub-rule in question is to keep out of the Council many persons who have been sentenced in connection with the non-co-operation movement. I cannot conceive what disastrous results will ensue if such persons come in to the Council. On the other hand I consider it probable that the country will gain by the entry of such persons into the Council. It is extremely likely that the presence of these members will produce a wholesome effect on the Council. These persons are after all men, who, whatever their political opinion may have been in the past, have suffered in the country's cause and not for personal gain. There is no such disqualification in England, and if

there is to be any disqualification of this sort, only men with moral turpitude should be disqualified. I am sorry I am unable to support the resolution of Kumar Shib Shekhareswar Ray, who wishes to leave the discretion in the hands of the local Government. This does not go far enough, and from one standpoint it is highly undesirable. It will be taken advantage of by the more timid of the political workers and will place a ban on the more courageous of them. Such discretion will demoralize our public life. I am strongly of opinion that it ought not to be a matter of favour, but a matter of right. I may add that the nature of the discretion vested in the Returning Officer is very different from the discretion contemplated in the resolution. Besides, if a Returning Officer gives a wrong decision, the matter may be taken up before the Commissioners by means of an election petition.

With these words I support the resolutions of Babu Indu Bhushan Dutta and Rai Harendranath Chaudhuri.

Babu JOGENDRA NATH ROY: I rise to accord my support to the resolution before the House. This resolution has been, so to say, long overdue. I think I need not detain the Council for a long time to prove the wisdom of the policy the resolution advocates. No less an authority than Mr. Frederick Harrison has shown that the political offender cannot or should not be classed with an ordinary offender. While the latter is an enemy to society and must hang down his head in shame before honest people, the former is often considered to be a martyr to a cause and respected by many. He has perhaps transgressed the bounds of law in his pursuit of an ideal which may be impossible. Such offence does not signify any moral turpitude, and as such, must stand apart from ordinary offences.

In England such prisoners are not considered to be ordinary offenders and are treated with consideration. I am glad, here too, that precedent is being followed in the case of many misguided idealists who have not hesitated to suffer sacrifices for an ideal which cannot but be remote. Some of them, some of the prominent among them, have already been disillusioned. They will be honest and useful citizens and subjects. And it is only meet and proper that they should not be denied the rights and privileges which the Reforms have bestowed upon the people.

However much we may deplore it, we cannot get over the fact that the Government here have on their hands a number of political prisoners who are or have been in prison because of technical offences, having been carried away by their zeal for an ideal. Some of them have of late so far changed their opinion that they want to enter the Councils. To save their faces they say they want to wreck the Reforms, while actually they see the usefulness of working the Reforms. Let them be given the opportunity of using the powers given under the

Reforms. Let the prodigals return. I am not afraid of them. Their leaders are now sadder and wiser men.

With these words, I beg to support the resolution.

Rai MAHENDRA CHANDRA MITRA Bahadur: There is a similarity of thought in the first and third resolutions. There is a divergent view with regard to the second one, moved by Kumar Shib Shekhareswar Ray. I would like to support the first and the third resolutions, because, in my opinion, they are more specific and more to the point. If we study the law on the subject all over the civilized countries, especially the English law, we are convinced of one fact, namely, that if a person is ineligible to come to the Council, he must know the nature of the offence committed by him for which he is disqualified. This rule is a salutary one, because the person concerned may know the offence with which he is charged for being disqualified from coming to the Council. Now the rule as it stands, for the modification of which my friends here are making an effort, is rather elastic and therefore it is open to the consideration of the members of the Council. I repeat that the nature of the offence ought to be specified in the rule. Then again, we do not find any definition of the words "political offence." An offence is an offence, because the person charged is viewed as a criminal. Consequently, it is necessary to understand the situation. Babu Indu Bhushan Dutta has explained to the Council the offences of felony, misdemeanour, treason, etc., but if we follow the English law, it is all right. If we do not follow the English law, then we are put to some difficulty, and hence it is necessary to have an eye on the resolution of Rai Harendranath Chaudhuri, which is a clear and specific one, and which should be taken into consideration by the Council.

Rai PYARI LAL DOSS Bahadur: At the outset, I may at once say that I fully support the two resolutions moved by Babu Indu Bhushan Dutta and Rai Harendranath Chaudhuri. The law bearing upon the question has been explained by them in detail, and needs no further elucidation. Sir, there is a growth of very strong feeling in the country against the continuance in the existing electoral rules of too sweeping a disqualification as regards entry into the Council of a large number of educated people, who are otherwise fully qualified and will be an acquisition to this House, and who sought incarceration for their political faith or opinion. Sir, it is only right that this Council should record its considered opinion on the question of modifying the rules in favour of candidates for election who were in jail for more than six months for offences created by special laws. The wisdom of treating in the same way in this connection, all classes of offences punishable with more than six months' imprisonment, is beyond our comprehension. When the rules were framed, no one had any reason to believe

that the activities of our non-co-operating countrymen would create a situation which would compel the Government to take drastic measures for the maintenance of law and order, with the result that many deserving men disqualified themselves for election to the Council on purely technical grounds; the offences of which they were found guilty involved no moral turpitude. Government assured the public more than once that they were not actuated by a spirit of vindictiveness in upholding the dignity of law against political agitators holding extreme views. Indeed, Lord Ronaldshay regretted the necessity with unquestionable sincerity, for resorting to what were popularly described as repressive measures. The time has now come for the Government to give a practical proof of its generosity by not taking advantage of the present rules to shut out from the legislative bodies all the Indian patriots who have been in jail for political offences for a longer period than six months. The saner section of Congressmen represented by the new Swarajya party has now decided to enter the Council and try the constitutional methods for accelerating the pace of the Reforms and lay the foundation on which a durable "swarajya" may be built in the fulness of time. The country expects the Government to take up a sympathetic attitude towards these pro-Council non-co-operators who are not opposed to the policy of "responsive co-operation." The Government can well afford to meet these would-be councillors half-way by removing the bar of disqualification that stands at present in the way of their entering the Council. An act like this will not only look extremely graceful, and make it possible for the best men amongst the "Swarajyists" to enter the Council, but will also prove Government's readiness to encourage constitutional forms of political activities as distinguished from revolutionary methods. The special laws which were placed on the statute book as emergency measures, cannot reasonably be applied as a means to keep away from the legislature political thinkers with whose views the Government may possibly find itself frequently in conflict. The restricted franchise which the statutory rules have allowed to the people, is already a matter for adverse public criticism, and the rule which shuts out political thinkers from the legislative bodies is sure to be still more resented. We trust that the Government will see its way to complying with the wishes of the people in this matter. A concession of this kind cannot cast any reflection on the propriety of the punishment awarded to the persons who will be benefited by a change in the rules. We refuse to believe that these persons, if elected to the Council, will abuse the privileges which the members of the Council enjoy. On the contrary, the best safeguard against abuse of political power is the frequent use of it. Sir, we doubt not that these persons, when inside the Council, will fully realize the gravity of the responsibilities attached to their office, and will always co-operate with Government in all measures which may be conducive to the general welfare of the country.

Mr. HUSEYN SHAHEED SUHRAWARDY: I beg to support the resolutions which have been moved, any or all of them. I see no particular demerit in any. Last session I sent in a similar resolution in which, however, I limited political offenders to those convicted under section 124A, Indian Penal Code, i.e., for sedition, under section 153A, Indian Penal Code, i.e., for causing disaffection between subjects of His Majesty, and under the Seditious Meetings Act and the Criminal Law Amendment Act. My purpose in so defining the offenders was not to give the Government a loop-hole for reiterating, as it has always done, in aggrieved ignorance, that the terms "political offence" and "political offenders" are too loose in nomenclature to fix precisely the individuals whom we desire to relieve of their disability. But to my mind that is a mere quibble, and should we find the Government taking protection under the most unsubstantial shelter, it will stand condemned by its own weakness and evasiveness, for surely after these years of political repression it has attained to some sort of dim recognition of the fact that the political offences are those offences in which too much of religion and country is invoked and too little of the benignity of the British Government. And, again, I trust and hope that the Government will not seek relief in declaring its own incompetency to remove the disabilities. There is some power on earth that can do it, and if the Government accepts the resolution in this Council, that power on earth can be duly and properly invoked without difficulty. In my opinion, Sir, and I think this Council will agree with me, this is an opportune moment for removing the disability, and those who are desirous that the Reforms should be worked successfully, that they should form a real step in political progress, will welcome a Council composed of every section of the people. This is the moment when the persons, who were opposed and deadly opposed to the Reforms, who considered that they conveyed no powers to the Council, have begun to realize that much can be done with their help and that these Reforms can be used as a means for the attainment of purposes nearest to their hearts. With their help we shall be able to make the executive responsible to the legislature in fact, though not in law, and then we shall be able to abolish tyranny, peculation and expensive administration. We shall be able to regain our self-respect and walk in our own country as citizens. Not for a moment do I suggest that the Reforms have conferred these on us, but they can be used for the purpose if men, honest, unimpeachable, not desirous of honours and title, animated by a sincere love of the country, anxious to do their duty, were to enter the Council and take part in the deliberations. Let us welcome these prodigal sons. They are not outcasts of society. They are highly respected and honoured, they are leaders of thought. They are mighty men, and the Government that holds them now as criminals may soon be compelled to listen to their dictates. Let them come. They can no more oppose the working of the Reforms than

they can stem the march of progress. In spite of what they hold, these non-co-operators, once they enter the Council, must become, as His Excellency the Earl of Ronaldshay pointed out, administrators with responsibilities which they cannot but discharge. But with their advent we shall have a Council that will really deliberate, a Council that will be a truer index of the voice of the constituencies and voters, and more than that, I hope there will be a strong opposition, which is the bulwark of a strong Government. I can tell you that there is a keen anxiety in the country and a widely prevalent hope that the next Council may be such as may show a real will to stand by its opinion and not be easily swayed by Government agents working in the lobby—

Mr. PRESIDENT: These remarks strike me as being off the point and I can hardly allow them. The hon'ble member is bringing rather sweeping charges. Further, I do not think these observations are in the least relevant to the subject-matter of the resolutions.

Mr. HUSEYN SHAHEED SUHRAWARDY: I do not anticipate that the result of this enfranchisement will be a general swamping of the Council with the non-co-operators. I do not anticipate that many of them will be returned, but certainly most of those who will be thought fit by the country to be chosen from amongst them, will be men of stature; and a major portion of that element in this Council that has not justified its election by following either the dictates of its conscience or the dictates of its constituencies, but the dictates of the powers that be, will fortunately be weeded out, never to grow rank and unseemly in this assembly. I anticipate opposition from these latter, but, then, conscience makes cowards of us all. I need hardly point out what I have reiterated too often here, that by this means too, Government will be correcting in some measure the severe, almost brutal sentences passed on non-co-operators for technical offences. We are only too well aware that where a fine would have been sufficient or simple imprisonment, or, at the worst, rigorous imprisonment for a short term, the accused have been sent to jail for two years or a year and a half. If justice, untrammelled by prejudice and untarnished by police influence, and uninspired by the administration, had been meted out to these people according to the normal canons of punishment, perhaps, these resolutions need never have been brought. Persons have, again, been charged with sedition and disaffection or evidence which in no other country but India could have secured a conviction, and others have been charged with the crimes of theft and intimidation, although they were really political offenders, so as to secure severer sentences and cast upon them for ever an indelible mark of moral turpitude. These, unfortunately, the resolutions cannot touch, but probably a more just country will expiate the wrong done to them by the judiciary. Let this Council and the Government make what amends it can to these unfortunate sufferers in the cause of their country.

With these words I beg to support these resolutions and commend them to the acceptance of the Council.

Rai JOGENDRA CHUNDER GHOSE Bahadur: The resolution of Babu Indu Bhushan Dutta is comprehensive, but one which is on principle without doubt unexceptionable. Sir, in no country in the world where self-government prevails is a person convicted of political offence or offence not involving moral turpitude debarred from entering a Parliament. In the Parliament of Ireland nobody can enter or be its President who has not undergone rigorous imprisonment for political offence. In saying all this, however, I must say that just now it is probably better to sing in a softer tune. It is much wiser to adopt the resolution of Kumar Shib Shekhareswar Ray, but that resolution, as it stands, is not acceptable at all, for the reason that the local Government may in any case remove this diqualification. I will not have it. Any felon, any cheat, any forger or any murderer should not be allowed to enter a Parliament. Therefore, Sir, as it is, that resolution cannot be accepted without amendment. If it runs in this way—any person convicted of political offence or any offence involving no moral turpitude—then it may be accepted, but otherwise, as it is, this cannot be accepted. Sir, we must remember that what is attempted to be done is to recommend to the Government of India and the Secretary of State to authorize the Government of Bengal to remove the disqualification. It is hopeless to expect that the powers would be given to the Government of Bengal unrestricted by any limitations. Therefore, Sir, let us be practical men and let us adopt the resolution of Kumar Shib Shekhareswar Ray with the modification that I have proposed.

Dr. JATINDRA NATH MOITRA: There is only one point which I intend to bring to your notice in support of the resolution moved by my esteemed friend, Babu Indu Bhushan Dutta. In my report to the Government of Bengal regarding the Faridpur Jail affairs I showed that during the height of the non-co-operation movement and during the trial of the non-co-operating prisoners, most of them were sentenced to two years' rigorous imprisonment, whereas in Calcutta the same kind of prisoners were sentenced to one month's imprisonment, rigorous or simple, with or without fine, and this for identical offences. Now, it is obvious that the class of men who had the misfortune to be tried at Faridpur are debarred from contesting at the coming elections, while their fortunate brethren who were tried in the metropolis of Bengal are not so debarred, although the offences of both of the classes were in many cases identical. Sir, I do not like to say that personal equation can and does play an important part in meting out different justice in different courts of justice, but this much is certain, that a layman like myself does believe that it is a mockery of justice when such discrepancy can take place within a single province——

The Hon'ble Sir ABD-UR-RAHIM: May I rise to a point of order? We are not discussing those cases—cases which were properly tried, and I do not think the hon'ble member can refer to them.

MR. PRESIDENT: I imagine Dr. Moitra to be elaborating his point. He is trying to make some sort of analogy between the scale of punishment meted out in Calcutta and that meted out in Faridpur. But I think, Dr. Moitra, you may leave that branch of your argument.

Dr. JATINDRA NATH MOITRA: Into the merits of the legal question I do not feel competent to enter, but as one with a little commonsense, I would appeal to the Government to mete out even-handed justice to all, without any distinction between man and man. I am convinced that no self-respecting leader would wish to have his personal disqualifications removed so long as these disqualifications remain binding upon his subordinates. Many of the persons who willingly entered the jail are highly respected in their society for their character and freedom of thought which they profess and strictly follow even under very difficult circumstances. These men command respect and admiration, and it is for them that I appeal to Government to amend the Bengal Electoral Rules in order to enable them to enter the provincial Council.

With these words I support the resolution.

Khan Bahadur Maulvi ABDUS SALAM: So far as I have been able to analyse them, these three resolutions have been brought before the Council with the same identical aim, namely, to endeavour to remove the bar to entering the Legislative Council in respect of persons convicted of political offences. The only difference between the three seems to be this. Nos. 1 and 3 would repose no confidence in the local Government, whereas the resolution of Kumar Shib Shekhareswar Ray would repose such confidence in the local Government and leave it to take up every case on its own merits and deal with it. Why should there be this lack of confidence in the local Government? What is the local Government? What does it consist of? It consists of three Ministers and four Members; out of these, five are Indians and only two Europeans. Why should it be assumed that these five Indian members would not sympathize with Indian political offenders if their case deserves such sympathy? This is the first point which I would press on the attention of this House. If it were, as in former days, a thoroughly bureaucratic body of foreigners and aliens, it might be said that we cannot repose any confidence in the Government. But now you have your own Government—Self-government. How, in the face of that, can you say that you do not repose confidence in it? Our own men, our best Indians, our popular Indian leaders, are in the Government as Members and Ministers, and do you still distrust it? Apart from that, there is another point I wish to bring to the notice of the Council, and

that is, what is a political offence? This is a big comprehensive term. Almost all sorts of outrages, from murders to sedition and other things, are covered by it. Is it seriously meant that even murderers and dacoits should be allowed to come to this Council and sit by you? Is it meant that men who have burnt down houses in the name of service and love of the country should be allowed to enter the Council? I do not think this is intended by Dr. Pramathanath Banerjea, who has spoken about service of India and love of India and all that sort of thing. I, on the contrary, think that the men who did all these things were not animated by true love of India at all, nor have they rendered real service to it. Why, they brought us to the brink of ruin and anarchy, in recent times, by their lawlessness and disorders. They have blasted the careers of many of our bright and promising young men, who are now longing to come back to the old lines of sanity. And now we find even some non-co-operators, who want to come back to the lines of peace and sanity. That being so, it is no use talking of love of country and country's cause. They were mostly misled by idle visions of an Utopia held forth by their astute leaders. I have no doubt that if each case were brought up to the local Government, it would be dealt with on its own merits by our Indian representatives in the local Government, and deserving people, although convicted of political offences, would be able to come to this Council, if otherwise there was no serious objection.

With these words I support the motion of Kumar Shib Shekhareswar Ray and oppose the other two motions.

The Hon'ble Sir ABD-UR-RAHIM: This matter has been receiving consideration of the Government for some time; in fact, I believe, before the hon'ble members who have moved these resolutions gave notice of their resolutions. In spite of what has been said and suggested by some of the speakers, I wish to assure the House that this rule was not framed with any motive of keeping out of the Council any particular class of non-co-operation political offenders. This would be obvious if hon'ble members would remember that the rules were framed before the non-co-operation movement was started, and much longer before the advent of those political prisoners who have found so many advocates in this Council. The matter was considered by the Franchise Committee and then by the Joint Committee of Parliament, with the result that a new rule was framed to this end, and the matter has been brought again to the notice of the Government of India and the Secretary of State, who are considering whether the rule, as it stands, does not require some modification. I believe we are on common ground so far, that there must be disabilities of this character attached to a certain class of offences. We may therefore proceed on the assumption that there are some offences which ought to entail such disqualification. The question then arises, what are the classes of offence which should entail civil disqualification, and what sort of rule ought to be framed

so as not to debar persons with *bona fide* political views, who have not kept themselves within the bounds of the law, but in the heat of the moment have overstepped those bounds, so that Government have been obliged to take action against them? Government have no desire to keep out such persons, but we all know, and the members who have been talking about this non-co-operation movement well know, that while among those who have been sentenced to different terms of imprisonment for violating the law under these Acts there are men who hold honest political views and are honest political thinkers, there are others who cannot be called political thinkers at all. Everybody knows that hundreds of people in Bengal had to be sentenced to some form of imprisonment who were absolutely ignorant and knew nothing at all about politics; they were men hired for the purpose of carrying on certain propaganda, and in carrying on that propaganda these men violated the law. It cannot be desired by anybody in this House I do not care whether he is always in the Opposition or not—that men of this class should be sent in by any form of political party to this House, to make of the House an absolute farce. I submit that there is this danger ahead, and we know that it is possible if there is a strong movement like this behind, for the leaders of the movement to send men who could not by any flight of fancy or imagination be considered to be *bona fide* politicians. I say that it is for this House to consider very seriously whether we should have a rule which will automatically let in men of that class. Can it be for the good of the House, for the progress of the Reforms? Surely not. We all agree that we must have some rule and we ought to have a reasonable rule, and, as every lawyer knows, the rule must be accurately worded. I was rather surprised to hear a young lawyer question this. Surely this is a most important thing. Take, for instance, the words which occur in the resolution of Babu Indu Bhushan Dutta—the words "political offence or an offence involving no moral turpitude." These are phrases which undoubtedly everybody understands in a general way. We all use these words, but a precise definition of them is very difficult. When you want to use phrases of this kind as part of the law, you must be sure of your ground. I have not yet come across any definition of "political offence." I have more than once taken part in discussions of this nature, and I have not had as yet suggested to me how "political offence" or "political offender" can be defined. That being so, would it be fair to ask the Government on whom will be the burden of administering the law, to accept a phraseology which cannot be precisely defined?

Then, as regards the other phrase, "offences involving no moral turpitude." This phrase was considered by the late Secretary of State, Mr. Montagu, the father of the Reforms, and he said, in reply to a question, that he did not like the phrase at all. That is my objection to the resolution of Babu Indu Bhushan Dutta.

As regards the resolution of Rai Harendranath Chaudhuri, the mover has no doubt taken care to specify several Acts, offences under which, in his opinion, ought not to disqualify a man. With regard to them, my answer is this. in some respects it is too wide, and in others it is too narrow. As Kumar Shib Shekhareswar Ray very rightly pointed out, there may be persons who have been convicted of an offence of hurt and sentenced to imprisonment for more than six months, and these men would be ruled out. There are also other sections of the Penal Code which create offences of a character which ought not to disqualify a person sentenced under those sections from entering the Councils. And, as I have pointed out, there are political offences, I mean offences under the Acts specified in the resolution, which surely ought not to be taken as a sort of qualification for entering the Council. What is the effect of Rai Harendranath Chaudhuri's resolution? It is that a man, convicted of an offence under certain sections of the Indian Penal Code, or the other Acts, ought to be eligible——

Rai HARENDRANATH CHAUDHURI: I have amended my resolution. The Hon'ble Member has probably not taken notice of my amendment.

The Hon'ble Sir ABD-UR-RAHIM: I have considered his amendment, but I say I am right in drawing this inference. He says that men who have been guilty of sedition, which is a very serious offence, ought to be eligible; or rather, that the man who has been convicted of sedition ought not to suffer in any way under this rule, while a man who has been sentenced for simple hurt would be ineligible under his resolution. What then is the implication? The whole question, however as everybody knows in this House, is receiving consideration of Government, and the Secretary of State, according to the latest information received, consulted the Joint Committee of both Houses of Parliament, and their decision is that a modification of a rule of this character ought not to be made without the consent of Parliament. The matter being still under consideration, I have expressed the views of the Government on the question only in a general way. So far as the first and third resolutions are concerned, we entirely oppose them.

So far as the resolution of Kumar Shib Shekhareswar Ray is concerned, we do not think that it is open to so much objection as the other two. It has been said that it would be an insult for any political offender to ask the local Government to remove his disqualification. That is, a political offender may have to come to the local Government and say, "I have been convicted of certain offences under certain Acts and sentenced to more than six months' imprisonment and I apply that my disabilities under such and such rule be removed," is that a humiliating position for anyone? I really cannot see how it can be said that this involves any sort of humiliation. I suppose that if they

want to come into the Council, they will try to act according to the law and according to the rules of this House. Whether they will try to advance the Reforms or not, that is their look-out. I take it that the members of the Council are anxious that the dignity and position of the Council are in no way lowered or jeopardized, and all that I wish to say is that there ought to be no difficulty in working a rule of this character, as has been well pointed out by the Kumar Sahib. Another speaker, I think Dr. Pramathanath Banerjea or Rai Harendranath Chaudhuri, said that nothing should be left to the discretion of the local Government. One is so much used to hearing some members abusing the Government, that one need not take any notice of what is said by them. But I take it, whatever may be the rule, somebody has got to work it, for it cannot work automatically like a machine. Either it must be left to the judgment of the local Government, or to the decision of the revising authority. As every member of the House is perfectly aware, there are eminent politicians who for some violation of the law or other had been convicted and imprisoned, but the Government have not only declared them eligible for the Legislative Councils but taken them into their closest confidence. The members of this House can be perfectly sure that Government have no desire to keep out such men.

I therefore oppose resolutions Nos. 1 and 3, but have no objection, if the House wishes to pass resolution No. 2. That is, so far as resolution No. 2 is concerned, our position is neutral. It is for the House to come to a decision, and we will communicate that decision to the Government of India.

Babu INDU BHUSHAN DUTTA: I must confess that I am astonished at the attitude taken up by the Hon'ble the Member in opposing the resolutions moved by myself and Rai Harendranath Chaudhuri. I particularly pointed out that what was behind my resolution was that the English rule on this point should be adopted, and it was quite easy for the Government to adopt that rule. Instead of doing that, the Hon'ble the Member has resorted to the talk of evils which have no concern with the question of principle underlying my resolution. He knows very well that when I brought in this resolution, I never thought that he would refer to those hired goondas whom he has made so much capital of. He need not have wasted his breath so much about it. A great deal has been said about political offences and offences involving no moral turpitude. I may state that these phrases are used in Government despatches and documents. Surely they have a definite meaning. We also find these words used in the resolutions passed by this House. The difficulty of the Hon'ble the Member is about the officer who will work these rules. It is open to Government to define and mention section by section which of the offences fall, in the opinion of the Government, under these two

definitions. The broad hint given in my original speech about the distinction between felony and misdemeanour makes it quite clear. If Government would refer to it, there would not be any difficulty about defining and enumerating them in the rules. I find that the Hon'ble the Member thinks the offence of sedition so serious that he considers that seditionists should be kept out of the Council. Has he forgotten the English rule? The Hon'ble the Member has been pleased to suggest that the position of a man in applying to Government for permission to come to the Council is not humiliating. May I ask him, when a prospective member of this Council knows that the possibility of his coming to the Council depends on the favourable decision of Government, can he honestly keep that independent spirit which is wanted of every member of this Council? He knows that if the Government decided otherwise, he would not be able to come to the Council. Knowing this full well, will it be possible for him to take up that independent attitude which he is bound to adopt? Then again, I find that the Hon'ble the Member thinks that the Government's decision to find out whether a person seeking election is fit, is not at all humiliating. I think it is only for the voters to decide whether he is fit to come to the Council or not. Government should not have anything to do with it.

The motion of Babu Indu Bhushan Dutta was put and a division taken with the following result:—

AYES.

Ahmad, Maulvi Rafi Uddin.
Ali, Mr. Syed Erfan.
Banerjea, Dr. Pramathanath.
Basu, Babu Jatindra Nath.
Bhattacharji, Babu Hem Chandra.
Chaudhuri, Babu Tankanath.
Chaudhuri, Khan Bahadur Maulvi Hafizar Rahman.
Chaudhuri, Maulvi Shah Muhammad.
Chaudhuri, Rai Harendranath.
Cohen, Mr. D. J.
Dass, Rai Bahadur Pyari Lal.
Dutt, Rai Bahadur Dr. Haridhan.
Dutta, Babu Indu Bhushan.
Ghose, Mr. D. C.
Ghose, Rai Bahadur Jogendra Chunder.
Haq, Shah Syed Emdadul.
Janah, Babu Sarat Chandra.
Khan, Maulvi Hamid-ud-din.
Mitra, Rai Bahadur Mahendra Chandra.
Maitra, Dr. Jatindra Nath.
Mukharji, Babu Satish Chandra.
Mukherji, Professor S. C.
Mukhopadhaya, Babu Sarat Chandra.
Pahlowan, Maulvi Md. Abdul Jabbar.
Raikat, Mr. Prasanna Deb.
Ray, Babu Surendra Nath.
Ray, Rai Bahadur Upendra Lal.
Roy, Babu Jogendra Krishna.
Roy, Babu Jogendra Nath.
Roy, Mr. Bijoyprosad Singh.
Roy, Rai Bahadur Lalit Mohan Singh
Roy, Raja Manilall Singh.
Sinha, Babu Surendra Narayan.
Suhrawardy, Mr. Huseyn Shaheed.

NOES.

Ahmed, Khan Bahadur Maulvi Wasimuddin.
Ahmed, Maulvi Asaharuddin.
Ahmed, Maulvi Yakubuddin.
Ali, Mr. Syed Nasim.
Banerjea, the Hon'ble Sir Surendra Nath.
Bell, Mr. J. W. A.
Birley, Mr. L.
Carey, Mr. W. L.
Chaudhury, Khan Bahadur Maulvi Nahamatjan.
Das, Babu Bhishmadev.
De, Mr. K. C.
Dey, Mr. C. C.
Donald, the Hon'ble Mr. J.
Donovan, Mr. J. T.
Duval, Mr. H. P.
Emerson, Mr. T.
Forrester, Mr. J. Campbell.
Goode, Mr. S. W.

Hornell, Mr. W. W.
Huntingford, Mr. G. T.
Hussain, Maulvi Muhammad Musadeer.
Karim, Maulvi Fazlul.
Maharajadhiraja Bahadur of Burdwan, the Hon'ble the.
Marr, Mr. A.
McAlpin, Mr. H. C.
Murray, Lt.-Col. David.
Mitter, the Hon'ble Mr. P. C.
Mukerjea, Mr. S. C.
Rahim, the Hon'ble Sir Abdur.
Ray Chaudhuri, Mr. Krishna Chandra.
Robertson, Mr. F. W.
Roy, Mr. J. N.
Salam, Khan Bahadur Maulvi Abdus.
Stephenson, the Hon'ble Mr. H. L.
Stuart-Williams, Mr. S. C.

The Ayes being 34 and the Noes 35, the resolution was lost.

The motion of Kumar Shib Shekhareswar Ray was then put and agreed to.

The motion of Rai Harendranath Chaudhuri failed as being covered by the decision of the Council in accepting the Kumar's motion.

Here the Council was adjourned for 15 minutes.

After the adjournment.

Release of political prisoners.

Dr. PRAMATHANATH BANERJEA: I move that this Council recommends to the Government that all persons who are at present undergoing sentences of imprisonment in Bengal for offences of a political character be released.

This is not the first time that this subject has come up before the Council. The views of the elected members of this Council are not unknown to Government, and if I am compelled to take up the time of the House again, the responsibility is not mine but belongs to the Government, which has not yet translated such views into action.

I desire at the outset to make it clear that in this resolution I use the term "offences of a political character" in a somewhat wide sense, and include not only such grave offences as dacoity and conspiracy, but also sedition, picketing, volunteering, and the obstruction of the public thoroughfare. I will place before you the cases of persons charged with the serious offences first. It is extremely difficult for a non-official member to obtain full information on a subject like this, but as far as I have been able to gather, it appears to me that there are at present 20 or 21 persons of this class who are still in prison, and their sentences range from 7 years' rigorous imprisonment to transportation for life. I have no desire to minimize the gravity of the offences with which these persons stood charged. But what I want to urge is that they have already been sufficiently punished, and their further detention is undesirable as much in the public interest as in the interests of the families of these unfortunate persons. On the happy occasion of the termination of the great European war, a considerable number of prisoners, including those serving out their

sentences of transportation in the Andamans, were released and many others had their sentences reduced. But it is a pity that this policy was not caried out to the full extent. The sentences were remitted in the case of some, but not of all. Why was there this differential treatment? On the 27th November, 1922, in reply to a question asked by one of my hon'ble friends, the Hon'ble Mr. Stephenson said that Kshitish Chandra Sanyal, Ashutosh Bakshi and Phani Bhushan Roy had been convicted on the same charges and sentenced to similar terms of imprisonment, and that while Kshitish and Ashutosh had already been released, Phani Bhushan was still detained, although no additional offence had been committed by him during his jail life to merit this differential treatment. In the case of Suresh Chandra Sen Gupta, the Hon'ble Mr. Stephenson said that he had been brought back from the Andamans and had earned three years' total remission by his good conduct and on account of the coronation ceremony, but it had been decided that he should not be released, although the imprisonment undergone by him, including remission, had amounted to 14 years. It seems to me that there do not seem to be good reasons for detaining these men any longer. There are two cases which call for our sympathy in a special measure. Harendranath Kavyatirtha and Jyotish Chandra Pal have lost their reason. It does not seem to me compatible with civilized practice to imprison lunatics, however serious the nature of their offences may have been. Would it not be better, I ask, to restore these persons to their families and friends, so that by their care and affection they may recover their mental balance? So much for the persons charged with the more serious offences. I come now to charges under section 124A or 153A of the Penal Code. A number of gentlemen of education and culture were punished under these sections and 15 of them are still in jail. I have no desire to enter upon a discussion as to whether their speeches or writings were really seditious or not; nor do I wish either to justify or condemn the views expressed by them. All I want to say is that no great harm will ensue if these men are released. Lastly, there are some cases in which the offences are really of a trivial and technical character. At Dacca, a number of young men are undergoing sentences of imprisonment for picketing foreign cloth, and at Barisal boys of the ages of 16 or 17 have been imprisoned for similar offences. In this connection I desire to refer to the special circumstances in which these persons were sentenced. In the first place, at a time of excitement, people did things which in normal times they would not have done. Secondly, the officials themselves were in a state of panic and their vision was clouded. Many of the offences were really of a trivial nature, and should not have been punished with imprisonment: Thirdly, many of these offenders did not defend themselves in court, and we cannot be absolutely sure that they were really guilty. I hold in my hand a certified copy of a judgment which gives us a picture of the trial in such cases——

Mr. PRESIDENT: At the fag-end of the day it is not necessary to enter into details. You can establish your point without reading the judgment.

Dr. PRAMATHANATH BANERJEA: Some of the prisoners of this class, it is true, have been let off. If the release of persons who were convicted in the Alipore bomb case has not jeopardized the peace and order of the province, I do not see what objection there can be to the release of persons convicted of less serious offences.

I also urge this course on the ground of economy. The report on the administration of the Jail Department for 1922 shows that the total number admitted into the jails in this Presidency was 1,619 more than in 1921, and this increase was due to the admission of a large number of prisoners who had been convicted of offences connected with the non-co-operation movement. By the 31st December of the year the number of such prisoners had fallen to 162. If all the remaining persons are now set free, there will be some saving—however slight—in public expenditure.

I desire in this connection to say a few words about the treatment of political prisoners. I frankly admit that in many instances they were well treated. But the members of the Council are aware that reports of cases of flogging and hunger-strike and ill-treatment in jails have not been infrequent. The Hooghly Jail has in this respect acquired an unenviable notoriety. A resolution was passed by this Council to the effect that political prisoners should be treated as first-class misdemeanants, but the report on the administration of jails shows that only partial effect was given to this resolution. The Hon'ble Mr. Stephenson tells us that two persons died while in jail. Whenever stories of ill-treatment or deaths reach the public, whether they are true or false, they help to embitter feelings and inflame passions. All this can be avoided by adopting the course I am urging.

Resolutions urging the release of political prisoners have been passed by the Legislative Councils of some of the other provinces. In the United Provinces all political prisoners were released sometime ago, and we have not heard of any disastrous result following the adoption of this course. Sir, Bengal has of late been behindhand in many matters. Let not her Government be obdurate in this matter.

The present situation does not demand the continuance of a repressive policy. Let not the Government, however, imagine that the improvement in the situation has been due to their efforts. Nor should they think that the disappearance of the outward signs of discontent is synonymous with contentment. There is always a danger in driving discontent underground. Repression has never been known to be permanently successful anywhere in the world. Once a nation becomes self-conscious, there is no force on earth which can prevent it from

gaining its objective. A repressive policy, if carried out with relentless rigour, many succeed for a time, though this temporary success is merely the prelude to its ultimate failure. A mixed policy of repression *cum* conciliation, however, does not succeed even temporarily. It deprives repression of its terror and robs conciliation of its grace. Conciliation of the pure and true type is the real remedy for political discontent, and no one can doubt its efficacy. Political offenders are not like ordinary criminals; they commit offences not for personal gain, but from a sense of public duty. Conciliation in their case therefore always tends to produce a change in their attitude towards the Government. Sir, if real peace is to be secured in the province, all causes of strife and discord should be removed. If good-will is to be established between the Government and the people, a reversal of the present policy will be needed. It would be an act of far-sighted statesmanship on the part of the Government to release the political prisoners at an early date. But whatever may be the official attitude, I would urge this Council to accept this resolution.

Kumar SHIB SHEKHARESWAR RAY: I move that this Council recommends to the Government that all persons who were convicted prior to 31st of July, 1922, and are at present undergoing sentences of imprisonment in Bengal, for offences of a political character, be released.

A resolution of a very similar nature I had moved in this very Council in a former session and that resolution was passed by an overwhelming majority. The Government ought to have acted in accordance with that recommendation, for, considering the circumstances, it was a very reasonable demand. Had the Government done that, there would have been no occasion for moving such resolutions and dinning into the ears of the Government the same old arguments, the same old reasons.

It is undeniable that during those days when the non-co-operation movement was at its height, the Government too had grown panicky, and the magistracy, being equally infected, had become mere tools and in many cases inflicted sentences so heavy as to bear no proportion to the gravity of the offences. I need not quote instances to substantiate this; for those who have lived through those days with their eyes open and had not looked at the world through coloured glasses made to Government order, would, I am sure, bear me out. Further, Sir, the sentences for the same type of offences differed a good deal in different districts and with different Magistrates. They varied with the mental barometers of the Magistrates. Most of the accused again, for reasons well known to us, did not even care to defend themselves, and on the untested testimony of the prosecution they were marched off to jail to suffer pretty long terms of imprisonment. Sir, just as some of the new-fangled laws and orders of those days seemed to have severed connections with morality and reason, the spirit of so-called lawlessness increased and the trials as well degenerated into mere travesties of justice. And there are instances where the convictions themselves were

admittedly bad in law. It is now time, Sir, to make amends for past excesses and acts of commission and omission, especially when, according to the Government itself, the non-co-operation movement is now dead. And, Sir, those were convicted before the 31st of July, 1922, have already suffered imprisonment for more than a year, and if at all guilty, have already paid a reasonable penalty for their offences. The Government now can very well afford to display a little bit of generosity at no risk to its ideas of law and order. But I must admit that I have to differ from my esteemed friend, Dr. Banerjea, in his view that all political offenders who are now in jail should be immediately released. This affords no room for discrimination, and has the ultimate effect of doing away with some of the most important sections of the Indian Penal Code. That seems unreasonable and impracticable to me, nor does it appear to take into consideration those cases in which the majesty of the law had been really defied and positively immoral and desperate acts offending against and subversive of the established order and Government had been committed. Sir, such a state of things no Government, not even the "Swaraj" government can tolerate for a moment.

I think that all we, as representatives of the people, can demand, is that the mischief to which its own panic-stricken officers had been parties, to which its own policy of reckless repression had contributed, should be undone by the Government at the earliest possible opportunity.

The Hon'ble Mr. H. L. STEPHENSON: I would remind the House that on the last occasion when we debated this subject, the motion was lost. I discussed then the question at some length and I will endeavour now to be as short as possible. There is a very general impression, aided largely by accounts published in the newspapers, that thousands of prisoners are "rotting" in jail, that this resolution affects the cases of at least some hundreds of prisoners. I should like, therefore, to go through the classes separately. I may say, to start with, that the Kumar's resolution affects only seven persons. Three of them were sentenced under the Criminal Law Amendment Act. One of those three can come out any moment he likes by giving a bond to keep the peace and another was offered by Government his release some months ago if he would undertake to abstain from activities of this kind until the end of his sentence, which he declined. The third is a man who has for years been absolutely irreconcilable and whose return to ordinary life Government have but little doubt will only mean the resumption of his anarchical activities.

Then, Sir, there are 17 men sentenced for seditious writings and speeches. Since the answer given in Council was drafted, two men have been sentenced to one month each. I claim that Government have gone to the very utmost limit of concession with regard to seditious writings. We have never prosecuted an editor or printer if he is

prepared to give an undertaking which we can accept that he will abide by the law in future. There are, however, some who are implacable. We have withdrawn case after case from the courts when the persons concerned have stated in the courts that they regret their seditious writings and give an undertaking that they will not violate the law in future. But the registered editor or printer is by law responsible for what appears in his paper and we are bound to enforce that responsibility. Otherwise you will have men of straw put up as editors and printers and the country flooded with a stream of seditious writings by people keeping in the background.

Next comes the old revolutionary gang and I understand that the Kumar dissociates himself from Dr. Banerjea as regards these men. Well, Sir, I shall have something to say about them presently. I would ask Dr. Banerjea to cast his mind back to the time when there were revolutionary crimes in Bengal. Does he remember the Rajendrapur train murder case, when two persons were brutally murdered and thrown out half alive to be killed on the track? Does he remember the other political dacoities, when men were shot down in cold blood absolutely for no reason whatever? Can he cast his mind back to the murder of the school-master at Malda, an innocent man, who was shot by order of the revolutionary authorities? If he will remember all these things, I think that it would take away a great deal from the weight of his plea that these men should now be released. Further, is he prepared to release all dacoits and all murderers?—men who committed crimes far less brutal than many of those who are now in jail for political dacoities. If not, what is the difference? Why should a man be able to commit a brutal murder, why should a man be able to commit a dacoity and receive special treatment because he says that it was done to upset Government?

Besides these, there are some 20 or 30 persons now in jail in connection with the so-called political propaganda. About half of them are in jail in default of providing security for keeping the peace. They can come out at any moment if they give the security. Some of these were prosecuted and proceeded against for the particularly senseless attack on the Holwell memorial with which I am perfectly certain the Council will have no sympathy whatever. The rest were convicted of theft, assault, and wrongful confinement chiefly in connection with picketing. I am perfectly prepared to say that here the theft is a technical offence in that the man did not intend to make anything out of it himself, but only snatched the cloth away and burnt it. I think that the Council will agree that those who claim liberty for themselves must be prepared to insist that that liberty must be granted to all, and that people who buy foreign cloth have a right to be protected from criminal intimidation, from the theft of their cloth or assault or things of that kind.

Well, Sir, excluding the political dacoits there are, say, 40 cases, and including the political dacoits there are some 60 cases. The whole question of amnesty to political prisoners was debated in November last. The motion then was to exclude those who had been guilty of violence. In that case, it would exclude something over half of the people who are now in jail. Government then pointed out the difficulty of defining a political offence. That does not arise so much now because we have brought down the number to the lowest limit and Dr. Banerjea's speech is really pleading for individuals. The line I adopted on the last occasion was that it was for the courts to assess the motive and that it was for the courts to take the motive into consideration in awarding the sentences or in coming to a decision, and that it is not the business of the local Government to interfere with the sentences. So far as the jail authorities are concerned, they have nothing to do with the offences. They have simply to carry out the sentences of the court.

As regards offences against the State, I decline to admit that offences against the State are less serious than offences against individuals. I claim that they are more serious, because they strike at the very basis of the State which protects the rights of individuals. I do not want to go again into all those arguments, but what does the mover ask for? He asks us to release these men. What should Government do? Are they not to proceed against the same offences to-morrow? If the mover thinks that these things should not be offences under the law, then he ought to try and get the law amended. The only possible reason for releasing the people who have been convicted of them is that you do not propose prosecuting anybody else for the same offence to-morrow. Government cannot take up that attitude. We do propose to prosecute people for seditious writings and for seditious speeches, and Government cannot abrogate its position. That being so, it seems to me that Government cannot accept a resolution of this kind—a widespread resolution calling for the release of all classes of political prisoners. Government have always opposed these resolutions as to classes, but we have shown the greatest consideration for individuals and we have always gone into every individual case that has been brought to our notice. I claim that we have gone to the utmost limit, and possibly beyond it, in meeting the wishes of the Council as regards the release of political prisoners.

But, Sir, with reference to what I have said about the men convicted of anarchical crime, I would ask the House to declare very definitely by its vote that this is not the time to talk of releasing prisoners because they can claim some association with a political movement. The members of this Council are no doubt aware that the murder trial recently concluded in the High Court arose from a political movement —the old revolutionary and anarchical movement which terrorized Bengal and led to desolation in inumerable homes in the years 1910

—1917. But I speak with a full sense of the gravity of my words when I say that we have the fullest information that that crime is not an isolated and meaningless outrage. The same party is responsible for other outrages of recent date, attended by the same brutality, the same callousness of life, and the object of these outrages is to establish a system of terrorism with the ultimate aim of overthrowing the existing form of government and establishing anarchy. The immediate object of these outrages is to train youths, youths of respectable families and education, youths like your own sons, to shed all sentiments of humanity and become the ruthless instruments of a terrorism imposed at the bidding of persons who remain in the background. There is a real danger to Bengal. The old methods of recruitment, the old organization of secret societies are being revived. The youth of Bengal is once more to be subjected to these corrupting influences, which use their noblest sentiments as the means of degrading them to the level of murderers and dacoits at the expense of their innocent countrymen. If this danger is to be met, it must be met with the support of this Council, and I feel confident, that Government can count on the support of this Council, on the support of all parents in Bengal, and of all true lovers of Bengal in every endeavour we have to make to stamp out this insidious conspiracy. I gladly admit that those politicals whom at least the Kumar had in his mind abominate as much as we do those atrocious outrages, but I claim that this is not the time to weaken the hands of the law by executive interference with the sentences.

SHAH SYED EMDADUL HAQ moved by way of amendments—

"(*i*) that at the end of Dr. Pramathanath Banerjea's motion the word 'immediately' be added; and

(*ii*) that in the motion of Kumar Shib Shekhareswar Ray, for the word 'July' the word 'December' be substituted."

Mr. SYED NASIM ALI: May I ask one question? Will the Government be pleased to let us know whether the 14 or 15 political prisoners in the Alipore Central Jail who were convicted in the Sibpore bomb case are going to be released? I understood from prisoners whom I interviewed while visiting the jail as a non-official member that they were quite willing to give any security for their good behaviour and intend giving any sort of undertaking to live as peaceful citizens?

Babu SURENDRA NATH RAY: I have handed over to the Hon'ble Member in charge the letter which I received from these political prisoners, the concluding portion of which runs as following:—

The old views and attitude of the revolutionaries have been completely changed from experience, and also we are of opinion that any sort of destructive work, whether violent or non-violent, will not only do harm to the country but retard its peaceful and healthy growth for a long time to come. Therefore if our case is favourably considered by Government, we are always ready to undertake, if necessary, not to take part in or support any such movement.

This is the undertaking which these prisoners in the Alipore Jail are willing to give. I had a talk with the Superintendent of the Alipore Jail, and I.M.S. officer, and he told me that the conduct of these prisoners has been commendable and that he has no complaint against any of them, while the prisoners themselves said that they had been treated very well by the Superintendent and that they had no complaint against the Government or the jail authorities. Under the circumstances I would implore the Government on behalf of these 14 prisoners to consider their case favourably and release them.

Dr. JATINDRA NATH MOITRA: May I inquire who have signed the letter just now read?

Mr. PRESIDENT: We cannot go into that. I cannot all desultory conversation.

The Hon'ble Mr. H. L. STEPHENSON: In reply to that I can only say that at a time when similar dacoities like the Sibpore gang case are being committed or likely to be committed, I can give no hope whatever that Government will take away from the deterrent effect of the sentences in the Sibpore and other dacoity cases by releasing the Sibpore prisoners at this time.

Dr. PRAMATHANATH BANERJEA: The Hon'ble Mr. Stephenson has missed my points, and many of the remarks that he has just made seem to me to be irrelevant. Well, my first point was that many of these political offenders had already been sufficiently punished and there was no necessity for detaining them any further. My second point was that the effect produced on these political prisoners by the adoption of a policy of clemency would be a wholesome one. There would be a change in their attitude. As a matter of fact, there has been a considerable change in the political situation of the country which justifies a change of policy. I plead for individuals, but I also plead for a change of the policy of Government. As I said before, repression has never succeeded in any country, and if there is to be peace and contentment in Bengal a change of policy is absolutely needed.

The motion was then put.

Mr. PRESIDENT: The motion is lost.

Dr. PRAMATHANATH BANERJEA: I claim a division.

A division was then called.

Dr. PRAMATHANATH BANERJEA: I ask leave to withdraw my request for a division.

Mr. PRESIDENT: I cannot allow that. A division has been claimed and called and it must be taken.

A division was then taken with the following result:—

AYES.

Ahmed, Maulvi Rafi Uddin.	Karim, Maulvi Fazial.
Banerjea, Dr. Pramathanath.	Khan, Maulvi Hamid-ud-din.
Dutta, Babu Indu Bhushan.	Mitra, Rai Bahadur Mahendra Chandra.
Ghose, Rai Bahadur Jogendra Chunder.	Moitra, Dr. Jatindra Nath.
Haq, Shah Syed Emdadul.	

NOES.

Ahmed, Maulvi Azaharuddin.	Hornell, Mr. W. W.
Banerjea, the Hon'ble Sir Surendra Nath.	Huntingford, Mr. G. T.
Bell, Mr. J. W. A.	Maharajadhiraja Bahadur of Burdwan, the Hon'ble the.
Birley, Mr. L.	Marr, Mr. A.
Carey, Mr. W. L.	McAlpin, Mr. M. C.
Das, Babu Bhishmadev.	McCay, Lt.-Col. David.
De, Mr. K. C.	Mitter, the Hon'ble Mr. P. C.
Dey, Mr. C. C.	Mukherji, Professor S. C.
Donald, the Hon'ble Mr. J.	Robertson, Mr. F. W.
Donovan, Mr. J. T.	Roy, Mr. J. N.
Duval, Mr. H. P.	Stephenson, the Hon'ble Mr. H. L.
Emerson, Mr. T.	Stuart-Williams, Mr. S. C.
Forrester, Mr. J. Campbell.	
Goode, Mr. S. W.	

The Ayes being 9 and the Noes 26, the motion was lost.

Shah Syed Emdadul Haq's amendment No. (*i*) was not put as it was covered by the foregoing decision of the Council.

Kumar Shib Shekhareswar Ray's motion was then put and lost.

Shah Syed Emdadul Haq's amendment No. (*ii*) was not put as it was covered by the foregoing decision of the Council.

Adjournment.

The Council was then adjourned till 2-30 P.M. on Tuesday, the 21st August, 1923, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta, on Tuesday, the 21st August, 1923, at 2-30 P.M.

Present:

The Hon'ble the President in the Chair, the four Hon'ble Members of the Executive Council, two Hon'ble Ministers (the Hon'ble the Nawab Saiyid Nawab Ali Chaudhuri, Khan Bahadur, being absent), and 105 nominated and elected members.

At 3 P.M. the Registrar to the Council announced to the Hon'ble the President that His Excellency the Governor was without.

The Hon'ble the President then left his seat on the dais and met His Excellency at the head of the staircase. His Excellency then entered the Chamber in procession with the Hon'ble the President and, at the request of the Hon'ble the President, took his seat on the Presidential Chair, the Hon'ble the President being seated on His Excellency's right.

His Excellency the Governor's address.

HIS EXCELLENCY the GOVERNOR OF BENGAL (the Earl of Lytton): GENTLEMEN,—We have now come to the last day of the last session of the first Legislative Council of Bengal elected under the Reformed Constitution—and it seemed to me to be an appropriate occasion for reviewing the work of that Council from the day when it was opened by His Royal Highness the Duke of Connaught, on February 1, 1921.

I do not propose to enumerate the subjects with which you have dealt or the Bills which you have passed. These have already been reviewed once by my predecessor and once by myself. Both you and the public are familiar with the business actually transacted by this Council in the last two years and a half. I should only weary you by a long recitation of your achievements in detail. I desire, rather, on this occasion, to examine with you the extent to which the experience of these years may be said to have justified the great constitutional change which was made in 1919.

In his speech on the occasion of the opening of the Council, Lord Ronaldshay spoke of that day as "an arresting finger-post upon the road leading towards the goal towards which India is eagerly travelling," and he went on to say "in the evolution of a nation, though

the goal may be pictured, the gulf to be bridged before we reach it is one of time and not of space; and every inch of the road thither has still to be made." To-day we have reached the next finger-post or milestone along that road.

Let us look back and examine the portion of the road which has been built and the progress which has been made in this intervening space of time. Is the road straight, that is to say, is it still leading in the same direction? Has it brought us nearer to the goal or is it, as some have contended, a circular road which leads to nowhere? Is the goal itself, which Lord Ronaldshay described as a "stately edifice rising through the haze of distance upon the horizon," any clearer to our eyes because of the distance we have travelled in these two years and a half? Before that question can be answered, it is necessary to understand what is meant by the goal itself. What I understand by the goal, and I imagine you will agree with my definition, is the attainment of full Responsible Government. The questions, therefore, to which I would direct your attention are: What is the measure of responsibility already attained, and is the prospect of attaining fuller responsibility nearer or more remote as the result of the experience we have gained? That appears to me to be the test which should be applied to the work of this Council by the student of history.

I should be disposed to comment on the shortness of the period in which you have had to work. From the point of view of the Ministers this is certainly a great handicap as the greater part of the first year is necessarily employed in the preparation of schemes; but I am told that you have shown more activity in two years and a half than your predecessors in the last Council in three years and a half: that you have asked more questions, moved more resolutions, passed more Bills—that in fact your outturn in two years and a half has been equal to that of about nine years in the old Councils. I am told that you have passed 24 Acts with 789 clauses and discussed 1,887 amendments, that there have been 2,118 motions for the reductions of grants, that 300 subjects have been debated in resolutions and that 3,469 questions have been asked. I am also told that one of your Acts, the Calcutta Municipal Act, is one of the most voluminous pieces of legislation in the world. This may be some evidence of your industry and of your business capacity, but it is no test of progress in the sense which I have asked you to conceive of progress. I propose, therefore, instead of examining critically the acts of this Council, which will come under review when you meet your electors, to suggest certain considerations which should determine whether or not the element of responsibility, which already exists in this Council, has been beneficial, and whether the use, which has been made of that responsibility is such as to justify an extension of it.

I am inclined to think that the real meaning of Responsible Government is not yet fully appreciated either by the electorate or

by the members of this Council, who are chosen to represent the constituencies. The element of responsibility has two advantages—it is a strength to the Executive—it is also a strength to the electorate. It provides the first with a means of testing whether its actions are acceptable to those who are affected by them. It provides the second with a guarantee that the actions of the Executive shall be in accordance with the wishes of the majority. It provides in effect a partnership between the Legislature and the Executive. The extent to which it is in the power of the electorate to secure a Government of its own making under the existing constitution does not appear to me to be fully realised as yet. There is no very marked difference of attitude towards that portion of the Executive which is responsible and that which is still irresponsible. Both are indiscriminately classified as the Bureaucracy and regarded as a fair target for invective.

During the later years of the Council the sense of responsibility has undoubtedly been growing. In early days most unofficial members seem to have considered it their duty to vote against all proposals of the Government regardless of the consequences. As an illustration of such action and of the inconvenient consequences arising from it, I may mention the case of the proposal for the partition of the Mymensingh district. This project was abandoned in March, 1921, when the Legislative Council refused to vote the sum of 6 lakhs to carry it out. The project has been undertaken before this Council came into existence and, as many crores of bricks had to be burnt for the new buildings, contracts for brick-burning, extending over three or four years, had been entered into in the cold weather of 1920-21. The sudden abandonment of this scheme necessitated a breach of this contract and the contractors are now suing the Government in the courts for the payment of four and-a-half lakhs—an expenditure, if the case is decided against us, not far short of the whole grant which was refused and for which there will be now nothing to show. When I visited Mymensingh last year a deputation including two of the representatives of Mymensingh in this Council waited on me to urge the Government to proceed with the partition. Yet when the matter was under discussion in this Council not one of the Mymensingh representatives had spoken in favour of the scheme and the only one who voted for it was the Nawab Ali Chaudhuri, a member of the Government. The complete irresponsibility indicated in this incident is not only likely to prove costly, but it has also damaged the credit of Government and since then contractors have shown a very natural reluctance to enter into contracts with Government extending over any lengthy period.

That incident took place in the earliest days of the Council and, as I have said, a greater sense of responsibility has developed with experience.

An effective use of the reformed constitution necessitates the organisation of political opinion—first, in the constituencies, and

secondly, in the Council itself, and until this process of organization has advanced very much further than it has yet done, it will not be possible to say that the prevailing political opinion of the electorate is reflected both in the legislature and in the Executive.

At the present moment, while the organization of political parties has made very little progress, every elected member of the Council is in fact a potential minister, that I think is hardly realized; there is not much evidence as yet that the resolutions of members are framed with a sense of responsibility based on the knowledge that the mover may one day be in a position to put into force the policy which he is advocating. Looked at, therefore, from the point of view of the representatives of the governed—the public which is affected by the laws, the taxation and the administrative acts of Government—I feel that the experience which has been gained in the last two years and a half (which has been partly negative and partly positive—I mean we have all learnt by mistakes as well as by achievements), has been of the utmost value as a training in the exercise of responsibility, but that the progress made in utilizing the machinery of the constitution has been small.

Looked at from the point of view of the Government, the existence of a responsible element has been of the utmost value, as it has provided us with the means of testing the acceptability of our measures. In these two years and a half we have had to deal with many problems which were highly controversial, and the knowledge that in such matters as our Taxation Bills, our Goonda Legislation, and the Calcutta Municipal Bill, it was necessary for us to seek, and that we were able to secure, the support of an independent Legislative Council, was a great strength. Speaking as the head of the Executive Government for the greater part of that time, I desire to express my appreciation of the support we have received both from the Ministers, on the reserved side of Government and from the Legislative Council to which they are responsible.

In one respect the period of this Council has been a very disappointing one. Throughout that period we have been handicapped by financial difficulties. At the outset we were faced with inadequate revenues, an expensive administration, and problems which demanded a large expenditure. We have faced those difficulties to the best of our ability. We have retrenched our expenditure to the extent of 89 lakhs in 1921-22, 48 lakhs again in 1922-23, and we are making further reductions again this year. We have also passed three new taxation Bills which, we hoped, would provide us with sufficient revenue to carry out some much needed improvements in Education, Public Health, Sanitation, Agriculture, Irrigation and other matters. But owing to circumstances over which we have had no control, world-wide causes arising out of the condition of Europe and the after effects of

the war, in spite of all our efforts both to increase our revenue and to curtail our expenditure, we have not been able to do more than barely balance our Budget, and the improvements we hoped to effect have had to be postponed. If this financial embarrassment has been disappointing to the Legislative Council, it has been even more so to the Ministers who found themselves for the first time in a position of responsibility for existing conditions, but powerless to improve them. One of the most urgent problems, therefore, that will confront the new Council, will be to decide, in consultation with the Government, between the alternative evils of fresh taxation or further postponement of what are called nation-building activities.

Gentlemen, your period of activity as Legislators has for the moment come to an end and in the next few weeks you will be busy in giving an account of your stewardship to those who elected you, and discussing with them the many problems in which they are interested. His Royal Highness the Duke of Connaught, speaking at the opening of this Council, expressed the view that "the training and expansion of the electorate will be just as much your duty as the conduct and direction of the administration." In the opinion of certain writers in the newspapers who profess to be fully acquainted with the opinion of the country, the electors need no education. We are told on the contrary that they are preparing an education for you and that your labours in this Council are to be rewarded by an ignominious rejection when you submit yourselves for re-election, on the ground that you have not proved sufficiently obstructive and that you have committed the unforgiveable crime of occasionally voting with the Bureaucracy. I hope you will use the opportunities which you may have in the next few weeks of impressing upon your constituencies that a Legislature, which has the power of dismissing an Executive of which it disapproves, is under a corresponding obligation to support an Executive selected from itself, that Responsible Government means acceptance by the majority of the Legislature of responsibility for the acts of the Ministry which it keeps in power. So far as the transferred side of Government, therefore, is concerned, it should be the aim of every Legislative Council in the future—not to criticise and abuse Government indiscriminately, but to make its own Government by securing the selection of Ministers who represent the opinions of its majority, and having secured it, to support it so long as it continues to represent those opinions.

Even though the whole Government is not yet responsible to the Legislative Council, you have already proved, during this first period of trial, that it is not only the transferred half of Government which is influenced by your opinions. It has always been my practice since I assumed office to treat my Government as a whole. All questions of policy, whichever department may be responsible for them, are discussed at joint meetings; and I have no hesitation in saying that

the practice has been fully justified by the results. I believe, that by this means we have made as much progress as it was possible to make in the time towards a unified cabinet which recognizes a responsibility towards the Legislature for its acts. Looking back over the period since this Council was first opened, I am prepared to assert with confidence that so far as Bengal at any rate is concerned, the experience gained has been of great value and the progress made towards the goal of Responsible Government, if not rapid, has been steady and satisfactory.

There are two matters to which I desire to refer before I conclude. They do not concern achievements of this Council—they are rather legacies with which your successors will have to deal. The first concerns the transferred side of Government; the second the reserved side.

When addressing the Council on a previous occasion, I have mentioned the University Legislation which we had hoped to introduce and pass in the present Council. That subject has been the cause of a great deal of controversy and I do not wish to say a single word to-day which will add to that controversy or diminish the chances of a satisfactory understanding between the Government and the University; but in view of the immense interest which is taken in the subject of higher education throughout this Province, I am anxious to reassure those on the one hand who may be disappointed by our failure to produce any Bill on the subject in this Council, and who may fear lest the Government should be contemplating the abandonment of their legislation: and those, on the other hand, who are afraid lest the Government may do anything to injure an institution of which the whole educated public of Bengal is so justly proud. Gentlemen, the conference which opened yesterday at Government House has already given sufficient promise of success to justify me in expressing the hope that both these fears are groundless. Not only have we no intention of abandoning legislation on this subject, but the University representatives have expressed a desire equal to our own that it should be taken up at once. Again, the very fact of the meeting of this conference and the knowledge that we are discussing with the University authorities the lines which our legislation should follow, will, I hope, diminish the anxiety lest that legislation should prove injurious to the University. I cannot hope that we shall be able to agree upon every point, for there are different schools of opinion on this as on almost every political question; but I do hope that if this conference can be kept together—not, of course, in continual session—but meeting from time to time during the next few months, that we shall be able to introduce into the next Council legislation dealing with higher and secondary education which will at least be free from the more bitter elements of the controversy which has been aroused in the past.

There is one circumstance which may yet postpone the introduction of legislation. It will not, I hope, be the controversial character of the Bills themselves, but the difficulty of finding sufficient money to give effect to them. In any case we hope to be able to publish our policy as well as an estimate of its probable cost, as soon as the work of the Conference is completed, so that the public may be able to judge of its merits and of the financial considerations which it involves.

The second matter is a more serious one and I regret that my concluding words should have to contain a note of anxiety and warning. The crimes of violence, which have, in the last few months, deeply shocked the public of Calcutta, have been generally assumed to have been in all cases the acts of ordinary criminals of the *goonda* type. The latest murder in the Post-Office at Sankaritola and the trial and conviction of one of the gang who committed the murder has revealed to the public the workings of organized revolutionary societies of which Bengal has had such an unhappy experience in the past. The revival of a menace, which many will remember as a hideous nightmare of the past, and which everyone hoped had gone for ever, has created a situation in which the Government will require to an exceptional degree the support of the public. The contaminating influence of these gangs of fanatical idealists, who adopt terrorism through robbery and assassination as their weapon, is a danger to the younger generation from which no family can feel altogether immune. A week ago the latest victim of this sinister conspiracy told in the dock the story of how he was brought out by those whom he acknowledged as his leaders and ordered to join with others in a robbery which led to the murder of a perfectly innocent man. It is the impressionable youth of Bengal which is seduced and sacrificed by this insane organization. I appeal to all those who remember the dark days through which Bengal passed from 1912 to 1916, to all those who have sons of their own to protect, to rally to the support of Government and to help us to stamp out this disease before it grows to dimensions which will make it difficult to cope with. This is no case of mere political opposition, of criticism of Government, or seditious propaganda. It is a conspiracy of dangerous fanatical criminals amongst whom violence is an acknowledged creed and terrorism a deliberate policy, whose agents are trained in robbery and murder, whose victims are selected without motive or discrimination, and who constitute a danger to every household in the country. I have every confidence that when this is realized, the whole educated opinion of Bengal will demand that vigorous and effective measures shall be taken to exterminate the evil.

Gentlemen, in conclusion, I desire to thank you for the time and valuable you have devoted during the last two years and a half to the legislative work of this Province. I feel confident that the historian of the future will find in the record of these years sufficient evidence

to satisfy him that the first Reformed Legislative Council of Bengal played a not unworthy part in the constitutional development of India. This Council now stands prorogued pending its dissolution. (Applause.)

His Excellency the Governor then left the Chamber in procession, preceded by the Hon'ble the President.

The Hon'ble the President, after taking leave of His Excellency, re-entered the Council Chamber and took the Chair.

The members of the Council, headed by the Hon'ble the Maharajadhiraja Bahadur of Burdwan, took leave of the Hon'ble the President.

The Hon'ble the President then left the Chamber in procession.

B. G. Press—28 9 1923—234M—1.606—H. C.

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B. C. Press—6-2-1924—474M—1,600—C. G.